

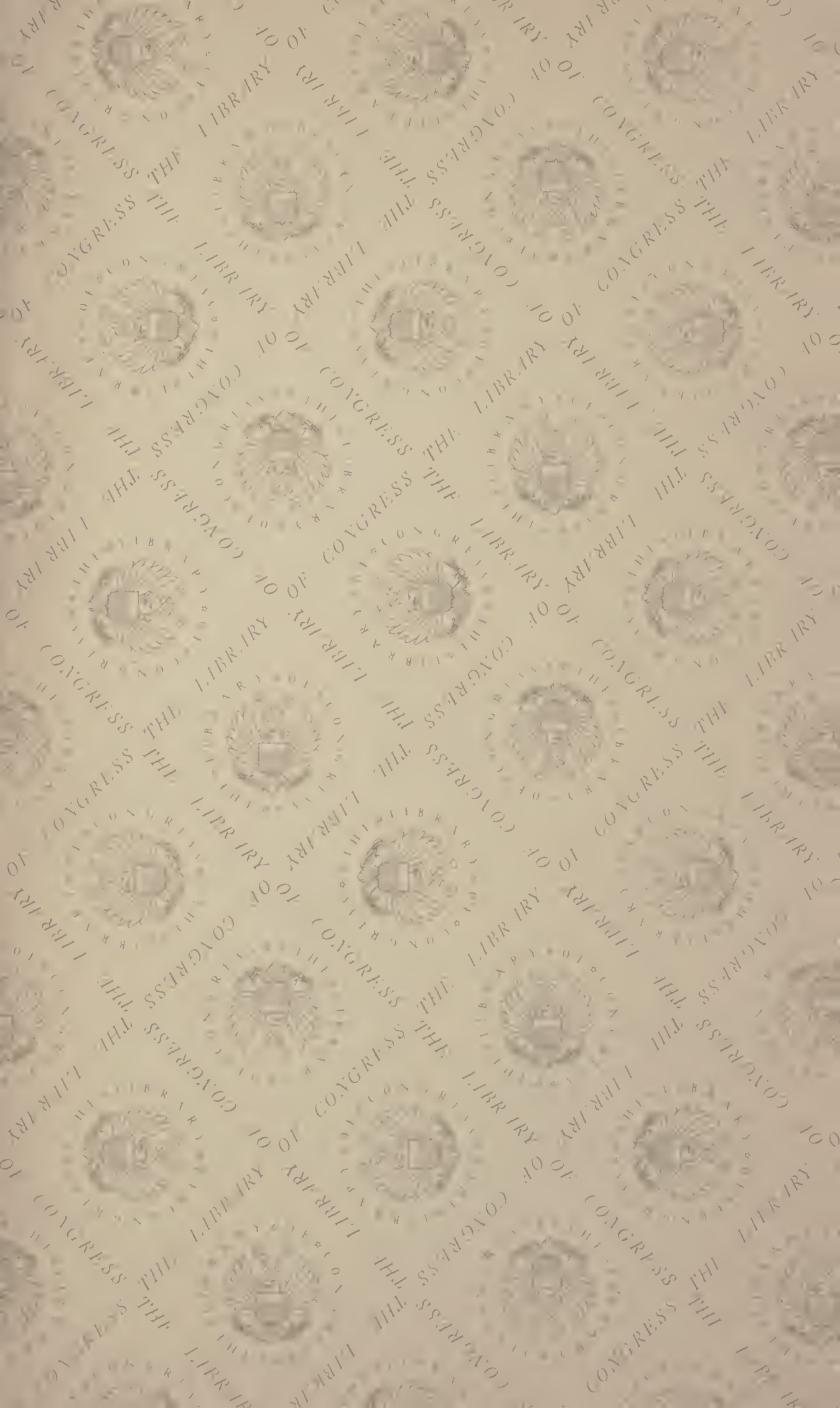
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The Hillsville Tragedy

Story of the Allen Clan



ctun of Detectives Payne and Lucas searching Bald Rock Knob, in search of the fugitives.

The Hillville Tragedy

Story of the Allen Clan

By Edwin Chancellor Payne

Baldwin-Felts Detective and Captor of three
of the Allen Clan

Edited by E. B. Jacobs

Chicago
M. A. DONOHUE & COMPANY

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Preface

From the day the news was flashed over the wires that the Carroll county court officers and members of a jury had been fired upon and several killed by the Allen clan while court was in session, the Hillsville tragedy has been a subject of intense and commanding interest. The unusual gravity of the crime, and the thrilling incidents connected with it, have attracted the attention of the public, and centered interest upon every phase of the long chapter of events bearing upon the causes for the trial at which the shooting occurred, the long search through the mountains for the Allens, and their subsequent capture and conviction.

In this narrative, circumstances and events are described which had an influence in bringing about conditions surrounding the Hillsville tragedy, and it has been the aim of the writer to present these facts in a clear, impartial and accurate manner, and from data believed to be in all respects reliable and trustworthy.

In fact, the description of the incidents that transpired during the long search for the fugitives, covering a period of eight months, has been for the most part taken from daily memoranda kept by the author and a courier, both of whom were members of the Baldwin-Felts detective posse engaged in searching the mountains of Carroll county for the Allen clan.

For a period of six weeks, the author, in conjunction

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with W. W. Phaup, had charge of two posses of Baldwin-Felts detectives, and took part personally in the many raids and midnight journeys in the search throughout one of the wildest and most dangerous sections of southwest Virginia. His posse traveled 1700 miles, over mountain roads and trails, searching rocky fastnesses, riding through rain and snow, and searching houses from which a volley of shots was expected at any moment.

The author participated in the capture of two of the fugitives, and the incidents connected therewith are narrated from personal experience.

He was also present at the arraignment of the prisoners, was present at all except two of the subsequent trials and was appointed guard over Sidna Allen and Wesley Edwards after their capture in Des Moines and incarceration in the jail at Roanoke pending trial. He was with these men from that time until their conviction and transfer to the state penitentiary at Richmond, December 14th, 1912.

The testimony given by some of the witnesses at the trials is embraced in the text of the narrative, and an endeavor has been made to present all salient points in connection therewith.

These facts were taken from court records and from newspaper accounts published while the trials were in progress.

A few anecdotes are interspersed, as they are of a nature which serve to depict some of the characteristics of the mountain-folk living in the Fancy Gap district, and in some instances are closely related to the history of the Allens.

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There is also an account of the early settlement of the Fancy Gap section and a description of the country, which is in some parts yet a wilderness.

Furthermore, the life, habits, environment, and fatalistic beliefs of the mountaineer are described, as well as his general attitude towards those whom he regards as intruders or hostile to his idea of what constitutes his rights.

It has been endeavored throughout this work to present a correct and truthful statement of events, and to give such information as will, it is hoped, prove of interest to the reading public.

The work has been carefully revised and edited, and contains a great deal of data pertaining to the Hillsville tragedy not hitherto published.

This is not a work of fiction, with its characters the creation of the mind, and with stage setting adapted to fit dramatic and thrilling climaxes.

It does not depict the emotions or actions of imaginary characters, or the peculiar characteristics which they might have possessed. It deals with actual happenings, and with people whose habits, mode of life and line of reasoning are little known to the outside world, and with the chain of events that culminated in the tragedy of March 14th, 1912.

Roanoke, Va., January 25, 1913.



Court House at Hillsville



The author, Edwin Chancellor Payne



Judge Thorton L. Massie



Dexter Goad, Clerk of Carroll County Court



Floyd Allen



Sidna Allen



Wesley Edwards



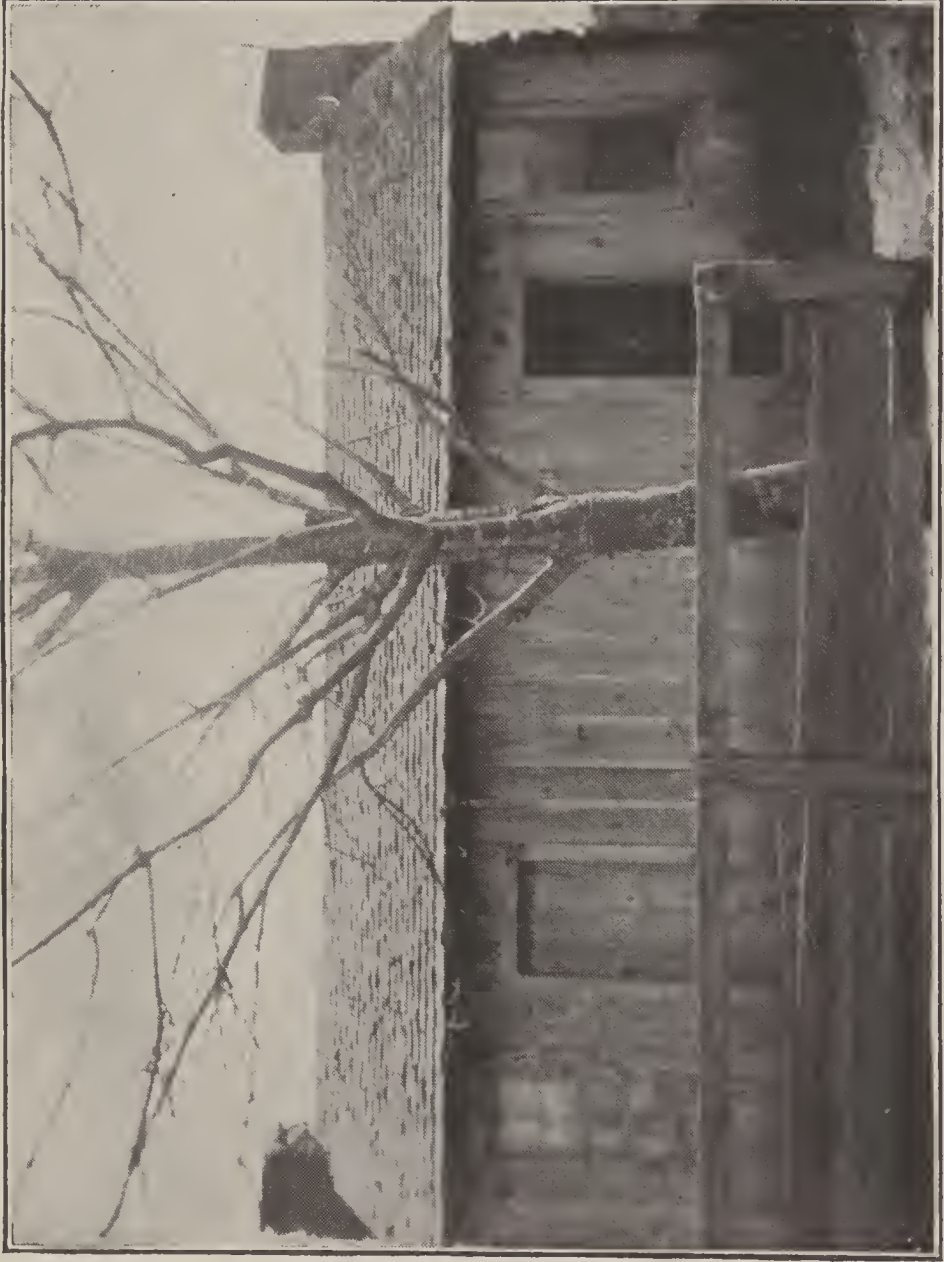
From left to right, top row, Victor Allen, Byrd Marion and
Sidna Edwards; below, Claude Allen and Friel Allen.
Taken after day of capture



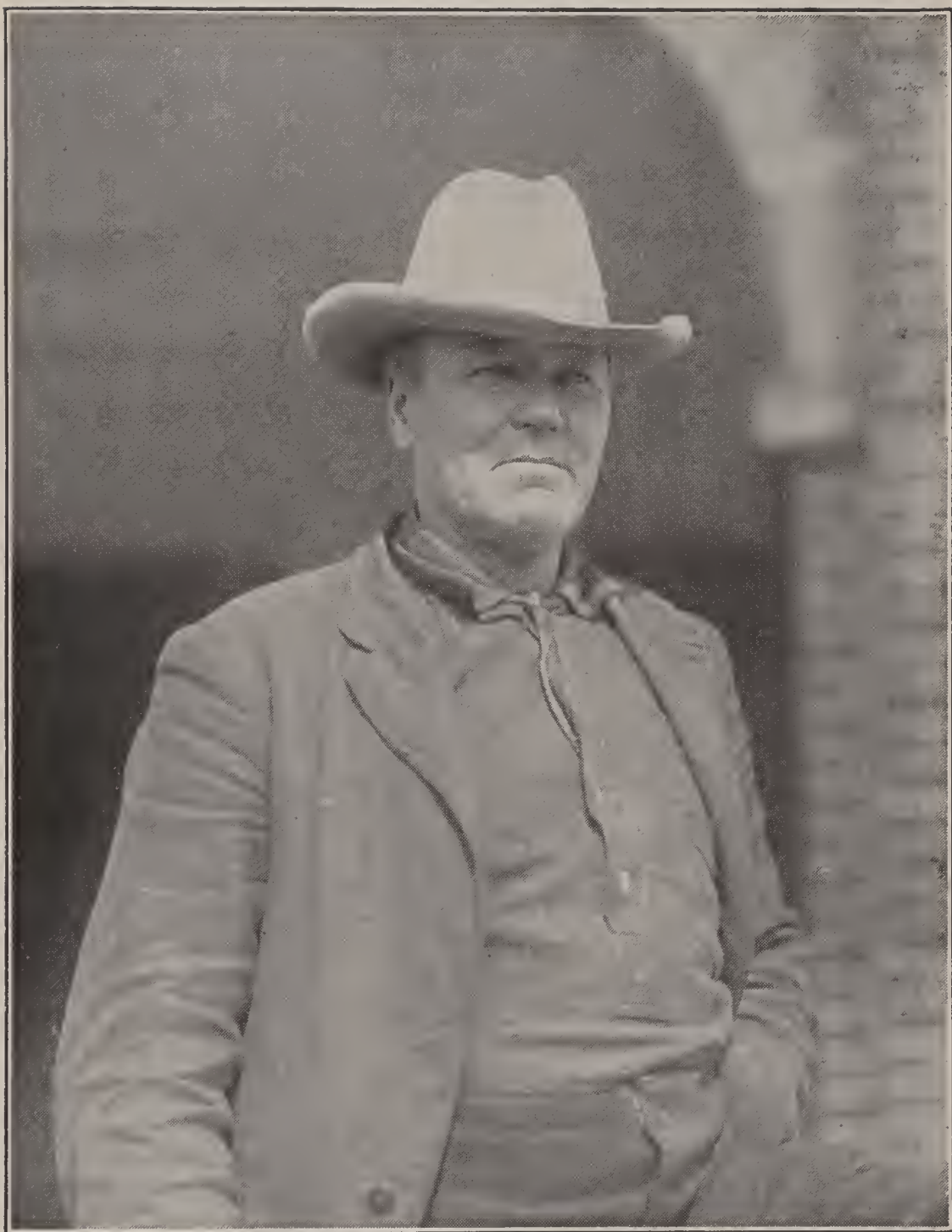
Floyd Allen's Home



Sidna Allen's Home



Victor Allen's Home



Jasper ("Jack") Allen, father of Friel Allen



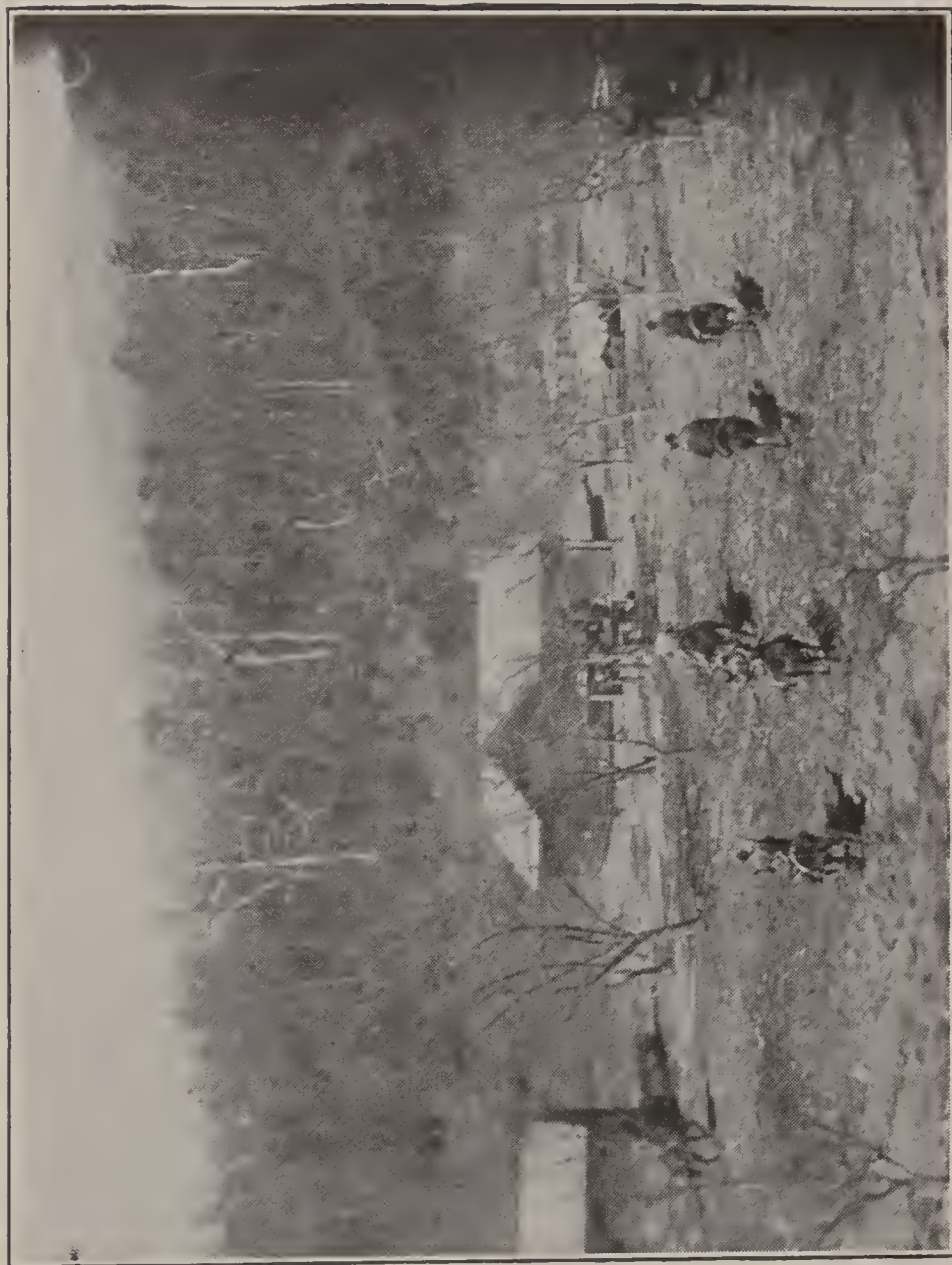
Miss Maude Iroller



Deputies sworn in by Judge Staples on day after Hillsville tragedy



Posse preparing to leave Hillsville on a raid in search of the Allens



Posse of Detectives in charge of E. C. Payne surrounding suspected
house during search for the Allens



Guards removing Floyd Allen from Hillsville Jail for conveyance to Roanoke



Gorge leading to the Devil's Den



Entrance to the Devil's Den. Left to right, Detectives Payne and Lucas searching for the Allens



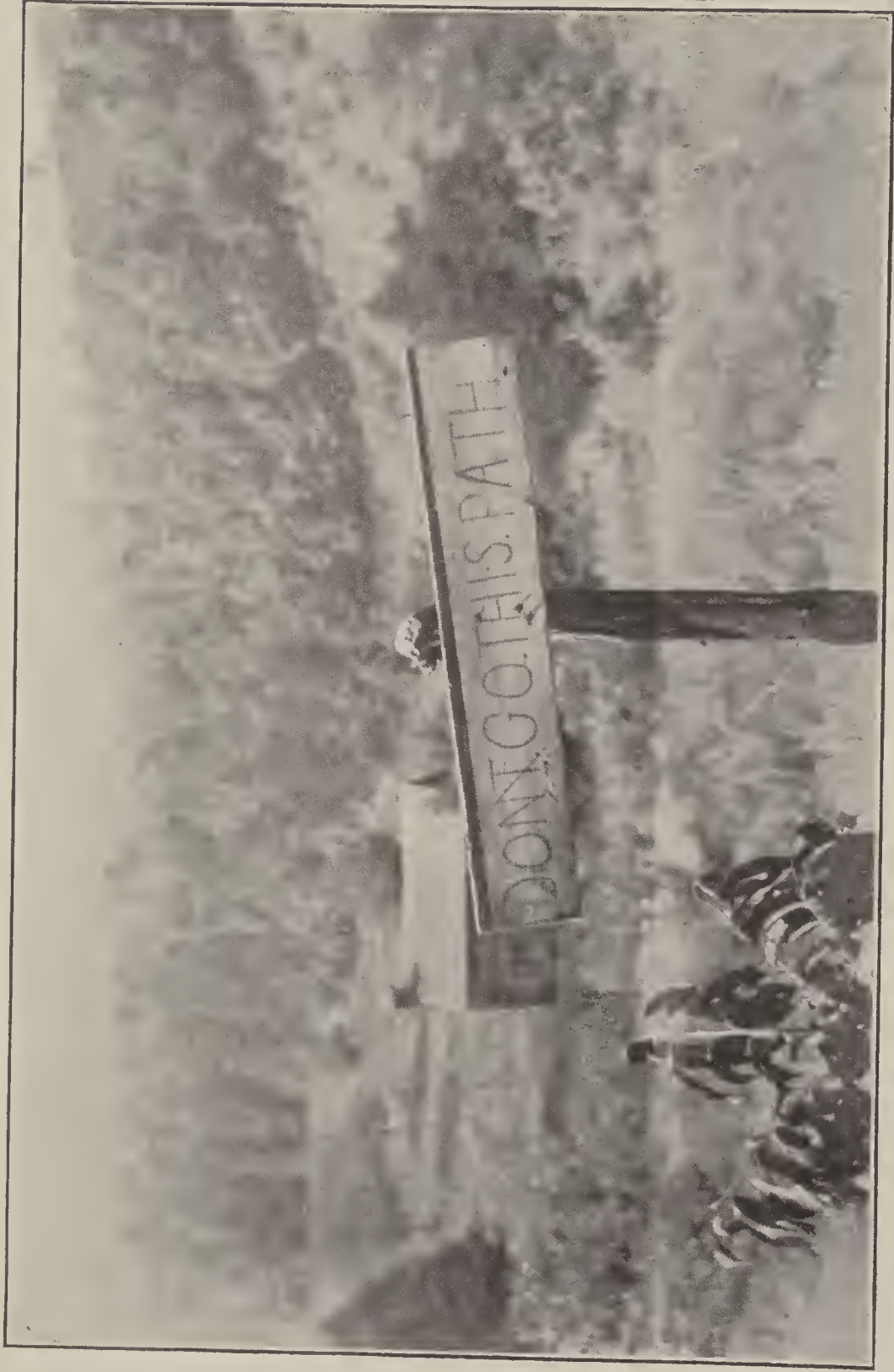
Picture of Detectives Payne and Lucas searching Bald Rock Knob, in search of the fugitives.



Virginia State Bloodhounds and Mr. Lane, the handler



Typical mountain home searched during hunt for the Allens



Sign on path leading to Floyd Allen's Moonshine Still



Moonshine Stills and Liquor captured by Detective E. C. Payne in raid on homes of
Floyd Allen and Alberta Edwards



"Buzzard's Roost," one of the hiding places of the Allens



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The Hillsville Tragedy

CHAPTER I

On Thursday, March 14th, 1912, the startling news was sent over the wires that Judge Thornton L. Massie had been assassinated while presiding over the Carroll county court, then in session at Hillsville, Virginia. Also, that the sheriff of the county, the commonwealth attorney, the clerk of the court, and several members of the jury, had been either killed or wounded at the same time.

The report stated that the deed had been committed by members of "The Allen Clan," when the jury had found Floyd Allen guilty of a charge on which he had been tried, and that the Allens opened fire on the court officers and jury immediately after Judge Massie had passed sentence upon him and directed the sheriff to take charge of the prisoner.

As Hillsville is situated in a remote and mountainous section of southwest Virginia, about fifteen miles distant from a line of railroad, with county roads at that season of the year in an almost impassable condition, it was extremely difficult to secure any information except that communicated by telephone. It soon developed, however, that the report was correct, and that the citizens of Hillsville were in a demoralized and terror-stricken state, as all court officers empowered to swear in deputies had been killed. Also, that further trouble was expected from the Allens, who had fled after perpetrating the crime; for it was believed they would return for the purpose of rescuing Floyd Allen, who was unable to accompany them

in their flight, on account of a pistol wound received during the fight in the court house.

Governor William Hodges Mann, was communicated with at Richmond, and the Baldwin-Felts Detective Agency was asked to send a posse to Hillsville at the earliest possible moment. Judge Waller R. Staples, of Roanoke, was delegated by the governor to proceed to Hillsville to convene the court and swear in deputies necessary for the protection of the citizens and the preservation of law and order.

Attorney General Samuel W. Williams was also directed to proceed to Hillsville, and Capt. H. W. Davant, of Roanoke, commanding Company F, Second Virginia State Militia, was ordered to Hillsville pending the arrival of his company, should it be found necessary or advisable to send troops to Carroll county.

Attorney General Williams, Judge Staples, and Captain Davant arrived in Hillsville on the morning of the fifteenth of March, the day succeeding the tragedy, as also did several members of the Baldwin-Felts Detective Agency, who had been summoned from various points, some of which were quite a distance from Hillsville. It required strenuous effort and hard travel, on the part of the Baldwin-Felts detectives, to reach the scene of the tragedy by the time mentioned. Captain Davant took with him two men from Roanoke, and twenty army rifles, with a supply of ammunition: the arms and ammunition being distributed to the deputies who were sworn in by Judge Staples after convening court.

Floyd Landreth, at present Prosecuting Attorney, suc-

ceeding W. M. Foster, had been directed to take temporary charge of affairs pending the arrival of Judge Staples.

Before describing in detail the Hillsville tragedy, the subsequent hunt for the perpetrators of the crime, embracing a period of over six weeks, through the wildest and most dangerous section of Carroll county; the capture of several of the Allen clan in the mountains, and the arrest later of the remaining two in Des Moines, Iowa, and their trial and conviction: it will doubtless prove interesting to the reader to learn something regarding the vicinity in which this tragedy occurred, the type of people inhabiting the country, and the chain of events which led up to the trial of Floyd Allen, when the shooting occurred.

These matters have direct bearing upon, and are more or less intimately connected and associated with, the particular events that culminated in the assassination of Judge Massie and other court officers, and members of the jury by the Allens and their adherents.

The crime committed was one of such unusual and peculiar atrocity, that it excited world-wide interest and comment: as it was regarded almost incredible for such an act to be perpetrated in a court of justice, with its victims the officers of the court engaged in the discharge of their sworn duty.

Carroll county is one of the counties comprising what is known as Southwest Virginia, and borders on the North Carolina line. While some sections of Carroll county are in a high state of cultivation, that portion of the county embracing and adjacent to the Fancy Gap District is mountainous and poorly adapted to agricultural pursuits.

Hillsville, which is the county seat, is a town of about

five hundred inhabitants, and is located in the southeastern part of the county, about thirteen miles south of Betty Baker, the nearest railroad station to the town. Betty Baker is a station on the North Carolina Division of the Norfolk & Western Railway, running from Pulaski to Galax, and is on a branch of the Galax line which runs from Reed Junction to Betty Baker, a distance of a few miles. Other railroad stations accessible by country roads from Hillsville, are Jackson's Ferry, fifteen miles distant, on the Galax branch; Blair, about thirteen miles away, situated on the same branch, and Galax which is about the same distance from Hillsville as Betty Baker, viz., fourteen or fifteen miles. The nearest railroad station to the south is Mount Airy, North Carolina, which can only be reached by a trip of twenty-four miles, in the course of which the Blue Ridge mountains must be crossed.

The country surrounding Hillsville is threaded with numerous creeks, some of which are of considerable size, and it frequently occurs that during the spring thaws, or after protracted rains, these creeks are swollen to the size of rivers, and every gully becomes a small torrent, making travel extremely difficult and in places dangerous.

The Blue Ridge range of mountains extends through the county, running in a southwesterly direction into North Carolina, and some of the peaks rise to a height of 4000 feet above sea level.

The general topography of the country is rough and mountainous in the vicinity of Fancy Gap, and some parts of it are a veritable wilderness: well adapted for the occupation of making "moonshine" whiskey, which is

alleged to be one of the chief pursuits of some of the inhabitants.

None of the roads in this part of Carroll county are macadamized, and in bad weather they are frequently in an almost impassable condition.

The road from Galax to Hillsville, through Piper's Gap, traverses an unusually rough section of country: perhaps the wildest in that part of the Blue Ridge range. At one point on the road, the hill is so steep that a teamster descending it is obliged to fell a tree which is then tied by the butt end to the rear axle, in order to "snub" the wagon to the foot of the mountain. The tree is then detached and dragged to the side of the road, in order not to obstruct other teams. On this road near the point described, is the famous "Jumping-off Place." About six feet from the edge of the road, a shelf of rock projects, and from this rock is a sheer, perpendicular drop of several hundred feet to the bed of a creek below.

The country hereabouts is sparsely settled and there is but little communication with the outside world. There are few horses, or mules, in use, most of the traveling and hauling being done with oxen.

Amid such surroundings stands the little town of Hillsville, the scene of the tragedy of March 14th, 1912. The place is a straggling village, the houses being built along the sides of the country road for a distance of about a mile. Some of the buildings are substantial, while others are mere "shacks."

The court house and the Texas Hotel, better known as the "Thornton House," are near the center of the town, which contains five or six stores dealing in general mer-

chandise, one drug store, one bank, a post office, and two hotels, the Texas Hotel, and the Elliott House.

The principal cereals raised in this vicinity are corn, buckwheat and rye: and large quantities of excellent fruit are grown. Corn meal and rye flour are staples in the mountain section of Carroll county, wheat bread being rarely used by the mountain people.

The inhabitants of the mountain section of Carroll county are, in many respects, as primitive in their mode of living as were their ancestors who settled in that out-of-the-way spot more than one hundred years ago.

The old-fashioned cider press, the loom, and the hominy mortar and pestle are still in evidence: and much of the clothing worn is homespun.

The "yarb" (herb) doctor and the "granny" (midwife) still practice their respective avocations, and the "circuit-rider" is their preacher, and the only one the mountaineers know. There are a few rude church buildings and some school houses, poorly equipped. In these the people sometimes gather, but more often their "meetings" are held in the open air.

Nearly all the inhabitants of this part of the county are "Primitive Baptists" of the most pronounced type. Many of them are fatalistic in their beliefs, and unload all trouble and sum up existence in the proverb: "What is to be, will be." Some of these people are fine types of the Virginia mountaineer, of erect carriage, athletic, sinewy, keen-eyed and clear-complexioned, giving evidence of health and vigor due to a life spent for the most part in the open air.

Others show certain marks of degeneracy, probably

the result of inter-marriage, or other causes. Some of the women possess beauty of a high order, with the bright eyes, attractive features, and faultless complexion, so frequently met with among the people living in the mountains of Virginia. Others have the dull and vacant expression, and the look of utter resignation, acquired through an existence which has been ever changeless and uneventful: a life of constant toil, with little or no opportunity for recreation, and seemingly with no ambition to better their condition in life.

These people, however, are generous and hospitable to a fault, these traits being found even among the poorest and most illiterate portion of the population: and it is practically impossible to prevail upon them to accept payment for the entertainment of man or beast.

In their business dealings, they display honesty rather above the average in the payment of debts, or the keeping of promises. But among many the belief is common that it is no sin to tell a lie to aid what is considered a worthy cause or to thwart what is held to be a wicked or unworthy one.

They believe as firmly in their right to distil illicit, or "moonshine" whiskey, as they do in their Primitive Baptist creed. Hatred of all revenue officers is inborn, and every stranger is regarded with suspicion until satisfactory proof is forthcoming that he is in no wise connected with "The Revenues," as the officers are termed.

The men and women are alike hard-working and industrious, but business matters are rarely discussed with the women.

In the event of a stranger passing, however, the women

do most of the signalling from house to house, if there is any suspicion that the visitor is connected with the revenue service. This signalling usually consists of a shrill halloo to the children, or a call to the cow, and is taken up from house to house, as the stranger comes in view.

The atmosphere is clear at this altitude, and as there are no noises caused by manufacture or transportation, any sound can be easily located, and a call or cry can be heard for a long distance.

The houses of the mountaineers are mostly cabins, one story in height, built of logs or rough lumber, with rough puncheon floors and ceilings. Most of the floors are rarely scoured or swept, but are kept covered with a beautiful white sand, which gives an appearance of extreme cleanliness. After this sand has been used for a covering, and has been trod upon day after day by the mountaineers in their rough shoes, the surface of the floor becomes worn until it is as smooth as glass.

The furniture in these mountain homes is of the most primitive kind, and is almost invariably homemade. White oak split bottom chairs are mainly used, and the old-fashioned corded bed, rag carpets or rugs, homemade patch-work quilts, and homespun blankets, are usually in evidence.

In many cases the bride's wealth is reckoned by her "man," (as the husband is termed), according to the number of quilts she possesses.

Stoves are rarely seen, and one end of the cabin is always occupied by a large fire place, with the old-fashioned crane and pot. A baking skillet large enough to contain from two to five gallons, is the main cooking utensil. This

skillet is on legs, and has a lid with a long handle attached. It does duty as a frying pan, and is invariably used in baking corn pone, which is the staple bread, along with rye "shortened bread," made with milk and other ingredients. This latter mentioned class of bread is always served to "company," and is a very palatable dish.

A delicious cider is made in these cabins during the winter and spring months, from the dried parings of apples. These parings are dried during the summer and autumn, when the apples are pared, and when winter comes a large jar is filled with them, to which is added enough water to cover the contents. A clean, white flint rock is then placed inside of the jar, in order to hold down the parings, which are allowed to steep for a certain time, when a clear, delicious, amber colored cider is drained off. It does not ferment and is but slightly intoxicating, or exhilarating in its effect. It is very palatable and is a sovereign remedy for nausea.

Few cattle are raised in this part of Carroll county, as the land is not well adapted to grazing, but a great many hogs are raised, and the hams, cured by first "corning" the meat and then smoking it with hickory wood, are noted for their excellent flavor.

Coon and "'Possum" dogs are considered valuable assets.

Very little large game abounds, there being no deer, and only an occasional bear is seen. There are many foxes and a few wildcats, but plenty of rabbits, squirrels, 'possums, raccoons and ground hogs, a few turkeys, but many quail and pheasants.

There is very little pistol "toting," as but few of the

mountaineers are able to buy revolvers, and the guns they own are generally single-barreled, breech-loading shot guns, but many old-fashioned squirrel rifles are to be seen. The favorite weapon among the young men is a pair of brass "knucks".

While the possession of a revolver is rare among the mountaineers generally, the members of the Allen Clan owned modern Colts 38-caliber revolvers and Colts 32-caliber automatic pistols, which were brought into play on the fateful fourteenth of March, when the Hillsville tragedy occurred.

These mountain people have but few diversions and little chance for recreation of any sort. But the old-fashioned fiddler still plays at the country square-dance, and the quilting-bee and corn-shucking yet furnish entertainment, followed by a supper and a merry dance.

Basket making is quite an industry, white oak splits being used in their construction. During the winter months women and children "string" tobacco bags, for which they receive an average of seventeen cents per hundred. The bags and strings are sent from Winston-Salem and Durham by the tobacco manufacturers and the bags are then "strung" and returned.

A considerable quantity of tobacco is raised in Carroll county and taken to Mount Airy, North Carolina, that place being twenty-four miles distant from Hillsville, and is the principal trading point for the Fancy Gap District.

Snuff is used among the mountaineers to an almost amazing extent. It is "dipped" with a stick, and its use is so common that it is practically recognized as a medium of exchange, taking the place of money in many instances,

as a legal tender, for sale or purchase of goods. In many cabins a case of snuff will be found, while furniture and general appearance indicate that the occupants are forced to constant toil and economy in order to secure the bare necessities of life.

There are many small grist mills in this part of Carroll county, using the old style mill stone, or buhr, and here flour is still "bolted" in its manufacture. There is no roller-mill in this vicinity. The number of grist mills doing business is occasioned by the demand for corn meal, a large portion of which is alleged to be promptly converted into "moonshine" whiskey.

The following incident, related by detective E. C. Payne, of the Baldwin-Felts Detective Agency, will serve to illustrate the uneventful and monotonous conditions under which some of the women live in this remote mountain section.

On April 9th, 1912, detective Payne visited the home of Ed. King, where old Mrs. Edwards, known as "Mother Edwards," resided. The old woman had told Mr. Payne, on a previous occasion, that she would be ninety-two years of age on the tenth of April, and was alone at the time of his arrival at the house. Mr. Payne brought her a birthday present in the shape of some "store" tobacco and some candy, which she was delighted to receive.

Shortly before this date, T. L. Felts, of the Baldwin-Felts Detective Agency, had headed a posse composed of detectives Brim, Kefauver, Mosby and Payne, in an all-day ride over Carroll county in search of members of the Allen Clan. They had ridden horse-back over a distance of eighty-two miles, part of which was covered after dark,

and had made their appearance at so many different points during the same day that the natives came to the conclusion that they must have with them an aeroplane or "flying machine." Mrs. Edwards remarked: "Mr. Payne, I'll be ninety-two years old tomorrow. I hain't never bin but six miles from this place in my life, and hain't never seen a train, or no machinery of no kind, except a saw-mill at a distance one time. I hain't goin' to live long, I know, an' I wisht you'd let me see that thar flyin'-machine."

Mr. Payne then discovered that a report had been current that the detectives had an aeroplane in use, thereby explaining to the minds of the mountaineers their frequent appearance at different points on the same day.

CHAPTER II

At a point about nine miles south of Hillsville, there is a fork in the road leading in the direction of North Carolina; the southwest branch leading into the Piper's Gap road and from there to points in Carroll and Grayson counties, the other branch leading directly south, through Fancy Gap, to Mount Airy, North Carolina, and passing directly by Floyd Allen's house. At the fork of this road is what is known as "Fancy Gap" and near it stands an old building once known as the "Fancy Gap Hotel."

This structure was built prior to the Civil War, and was used as a hotel and stopping place for travelers prior to and during the war, and was at one time quite a resort for summer tourists.

It is a large, rambling building, three stories in height, and is still in a fairly good state of preservation. It is now occupied by a farmer and is no longer used as a hotel.

The place fell into disrepute during the Civil War and shortly subsequent thereto, on account of several murders having been committed on the premises. It has been alleged that old Jerry Allen, the father of Floyd and Sidna Allen, participated in these murders, the victims being soldiers who stopped at the hotel on their way home from the war, or after desertion during its progress. Jerry Allen was a man of powerful physique, of great prowess with his fists or rifle, and possessed an ungovernable temper. He was a soldier in the Confederate army, and it is said

he endeavored to evade sentry duty and to secure a discharge on the ground of being deaf. It is stated that he finally deserted and engaged in "bushwhacking" until about the close of the war, when a special detachment of Confederate soldiers succeeded in dispersing the band of bushwhackers and deserters who had terrorized that section of country. A number of the bushwhackers were killed in an encounter with the detachment of Confederate soldiers sent to disperse or capture them, and several were captured and executed. It is said that in these times the father of Dexter Goad, (the clerk of Hillsville court, who engaged in a pistol duel with the Allens at the time of the Hillsville tragedy) incurred the enmity of Jerry Allen, as did others who stood for law and order.

In one of the murders committed near the old Fancy Gap Hotel and in which it is alleged that old Jerry Allen figured, it is stated that the victim was a Union soldier, who was returning home from the war.

The bushwhackers infesting the Fancy Gap district showed no discrimination in their attitude towards those whom they elected to kill, and murdered Confederates or Federals as suited their purpose, the motive being robbery in most cases.

This Union soldier was taken from the house to a clump of bushes and is alleged to have been shot in cold blood by Jerry Allen. The soldier was left for dead, but on regaining consciousness cried out, when the bushwhackers returned and shot him again, this time fatally.

A little stream of water runs by near the spot, and bears the name of "Yankee Branch," on account of the episode. The murdered soldier's spirit is still supposed to

haunt this spot, which is near the southeast fork of the Fancy Gap road, and some people are now living in the neighborhood who solemnly declare they have "seen the Yankee in uniform" on more than one occasion.

The southwest fork of the road is known as the "Mountain Road" and leads into the road to Piper's Gap, and from there to points in Grayson county, Virginia. A ride of about thirty minutes brings the traveler to the site of "Torytown" and the "Devil's Den." It is stated that "Torytown" received its name from the fact that after Cornwallis' surrender at Yorktown, a number of royalists, or "Tories," who were either driven out or left of their own volition, proceeded across the country, probably following the course of the Dan river, until they reached the foot of the Blue Ridge mountains, which they crossed near the present town of Mount Airy, and settled at "Torytown," near Fancy Gap.

There was an abundance of game in this vicinity, with fine timber land, excellent water, and numerous hiding places in case of danger, chief among which was the noted "Devil's Den."

A number of log cabins were erected, and a rude furnace was built, the ruins of which may still be seen.

These settlers also made whiskey and traded with the Indians on a considerable scale.

Indian relics, such as tomahawks, axes, and arrow-heads can still be found in considerable numbers over the space of several acres, and it is believed that this point was a gathering place for indulgence in sports and contests of various kinds, including shooting matches, as all of the axes and arrow-heads found are broken, the arrows

being invariably broken at the point, due no doubt to their having been shot into wood, or against some hard substance. It is said that Jerry Allen was a descendant of these Tories.

Floyd Allen remarked to the Baldwin-Felts detectives, while in jail at Wytheville and prior to the capture of Sidna Allen: "Why, if you was after me, I'd dodge and stay right in the old fields. Thar's where my father done his hiding, in old fields and around stumps. Sidna knows all about it."

Throughout his career Jerry Allen's adage was: "rule or ruin," and with some of his descendants their attitude toward the weak was one of oppression and coercion. This assertion is based on the following anecdote told the writer by Noah Combes, which will serve to illustrate this trait of their character.

Jasper (Jack) Allen bought a tract of land near the "Devil's Den", on a creek at the foot of the mountain, and built thereon a good brick house, containing about eight rooms, and also built nearby the usual out-buildings and smoke house seen near a farmer's home. He also built a large still, and piped the water to it openly along the road leading from the Fancy Gap road to the house. He sold this property to Noah Combes, who was a man of gentle disposition, hard-working and industrious. In fact, he was considered rather timid, and had labored as a common farm hand in order to get a start in life.

He had gradually prospered until he found himself able to purchase this property from "Jack" Allen for the sum of \$2,600.00 cash. Combes had a wife and several small children and was a inoffensive and quiet a person as could

be found in that entire neighborhood. He and his family were Primitive Baptists, and were respected by all who knew them.

One day Floyd Allen sent word to Combes: "I'll give you \$1,500.00 for that thar place, and it'll be the best thing you ever done if you take it."

Combes realized the dire import of this message and went sadly to his pleasant home and told the news to his poor, toil-worn wife. They had married late in life, as poverty had prevented an earlier union, and it now appeared that the fruits of their life's toil were to be wrested from them.

They discussed the situation with fear and trembling, and at last decided, with that singular fatalism obtaining among the Primitive Baptists, "What is to be will be"; and Combes sent Floyd Allen word: "I can't sell at that price, and don't want to sell at any price. I'd just as soon die owning this place. I worked and lived like a dog for the best years of my life in order to buy it and would as lief die as to live without it."

"All right," said Floyd Allen, when he received Combes' reply, "God blast him. We'll see!"

Shortly afterward Noah Combes passed by Floyd Allen's home, driving an ox team, on his way to Mount Airy by the Fancy Gap road. Floyd Allen spoke to him pleasantly as he passed, but on his return Allen called to him from his house, which stands about forty feet from the road, and when Combes halted his team of oxen Allen strode out to the road and struck him over the head with a shot gun. The oxen became frightened and started off. Allen then shot at Combes, through the body of the wagon, as he had fallen prostrate from the blow, and

wounded him severely in the hip. On the way Combes recovered sufficiently to guide the oxen to some extent and succeeded in reaching his home, several miles distant.

Combes was badly injured, and when court convened in Hillsville an indictment was found against Floyd Allen for the act committed. He was tried for felony with Combes on the stand as a witness, in fear of his life, as also were doubtless the judge and jury.

The verdict brought in by the jury was as follows: "*We, the jury, find Floyd Allen guilty of assault.*" A fine of \$50.00 and one hour in jail was the penalty imposed. Floyd Allen arose from his seat with a laugh and exclaimed: "I'll pay the fine some time. Damn the jail sentence. Allens don't go to jail," and walked out of the court room. Shortly after this episode, while Noah Combes was plowing in a field on his place, he was waited upon by several of the Allens, and Floyd Allen said to him: "Noah, I want to borry a hundred and fifty-five dollars to pay the court costs and fine with, and the best thing you ever done will be to let me have it."

Combes realized from past experience what might occur if he refused, and went to his house, accompanied by the Allens, and gave Floyd Allen the sum demanded.

An examination of the court records at Hillsville, made during the summer of 1912, failed to show that any settlement of either costs or fine had been made.

Floyd Allen was still unsatisfied with the punishment he had inflicted upon Combes for refusing to sell his property at the price offered. He proceeded to purchase worthless cliffs and barren land adjacent to Combes' place, buying the land for a mere nominal price, as it was practically

worthless for any purpose, and compelled Combes to pay him about twelve dollars an acre for the same.

These incidents transpired several years prior to the Hillsville tragedy of March 14th, 1912, and it was not until after Floyd Allen had been committed to jail subsequent to the assassination of Judge Massie and others that Combes dared to travel the Fancy Gap road leading past Floyd Allen's house, but invariably took another route.

Shortly after the capture of part of the Allen Clan, or in the summer of 1912, a justice of the peace in the Hillsville District made the following statement to the writer. "I've been 'squire here for twenty-one years and in all that time I've never given a decision against an Allen, or given any decision without finding out how they wanted it to go. Why? Because I was afraid to do so and so were the courts. I hope we are 'red' of them now, but if they are not all caught they will make it hard for some of us around here yet."

On one occasion a man named Mack Howlett shot one of the Allens, over a dispute about a line fence. A cousin of the Allens was jailer, and on the first night after Howlett's arrest he was kept in the court house by the sheriff. On the next day, Sunday, Howlett was placed in the jail, which was not guarded. That night a mob attacked the jail but Howlett was a strong man and resisted so fiercely that those composing the mob abandoned their plan of hanging him and shot him to death. A grand jury was in session at the time, but was not charged to make an investigation and no indictments were found. The coro-

ner's jury reported that Howlett met his death at the hands of a party, or parties unknown.

Numerous instances of a nature similar to the foregoing could be related, but those described will serve to illustrate the high-handed methods used by Floyd Allen in his dealings with others, and his general attitude toward law and order. His brother, Sidna, was somewhat of a similar disposition, but combined with it a faculty of shrewd business dealing and accumulated quite an amount of property. He was keen, calculating, and had a passion for the accumulation of money. He had a fierce temper, and bore the reputation of being treacherous and unscrupulous. He owned a store in which he conducted a general merchandising business, and the home in which he lived would have cost perhaps \$25,000.00 in a city or town. It probably cost him \$10,000.00 on his farm, as material and labor are cheap in that locality.

He was suspected of being engaged in counterfeiting and a secret-service detective was put on the case. The plates and some counterfeit gold and silver coins were found in an old mill near "Preacher," Garland Allen's house. Several parties were placed under arrest, among them being Sidna Allen, who was arrested by Deputy Marshal Faddis, assisted by ex-deputy Sheriff Branscombe. Sidna Allen had attempted to pass spurious gold coins in several places, including Mount Airy.

The case was called in the federal court in Greensboro, North Carolina, in the fall of 1911. Trouble with the Allens was expected, and officers heavily armed were stationed in the court room, with orders to "stop" any man who made a hostile demonstration. Members of the Allen

Clan attended this trial, and it is stated that each occupied a special position from day to day, exactly as they did during the later trial at Hillsville when they fired upon the officers of the court and the jury.

During the trial at Greensboro, a son of old Victor Allen was asked when he expected his father to return. He replied: "If the old man is not a liar, he may never come back."

Sidna Allen's accomplice in the business of making counterfeit coins was a man named Dinkens, and was sentenced to a term in the penitentiary.

Sidna Allen was acquitted of the charge of counterfeiting, but was indicted for perjury in this counterfeiting case, by the United States District Attorney, and gave bond for his appearance, in the sum of five thousand dollars, with Floyd Allen as security.

After the Hillsville tragedy had taken place Dinkens turned state's evidence and swore that Sidna Allen had threatened to kill him unless he consented to confess that he, Dinkens, was solely responsible for the counterfeiting; and that he would agree to pay to Dinkens' family one dollar per day during his term of confinement in prison. Sidna Allen paid this sum to Dinkens' family for about six months and then discontinued further contributions. Dinkens was released after turning state's evidence and left Carroll county.

In the cases mentioned, as well as others in which the Allens were implicated, the local officers had figured more or less prominently, and had thereby incurred the ill-will of the Allens and their adherents. On one occasion Jack and Floyd Allen became involved in a fight and shot one

another almost to death, but were not prosecuted. Floyd Allen killed a negro for hunting on his farm and buried the body. He then went to Hillsville and reported that he had "killed a damn nigger and buried him over thar, but it was in self defense."

The Allens paid some fines but would not serve time in jail.

The particular infraction of law leading up to the Hillsville tragedy, was as follows:

Sidna and Wesley Edwards, brothers, and nephews of Sidna and Floyd Allen, became involved in a difficulty during the Autumn of 1911, which resulted in their arrest. These young men were sons of Alberta Monday, by her first husband, John Edwards, and were both of age. It is believed they had been in the practice of making "moonshine" whiskey, as two stills and a barrel of liquor were discovered within fifty yards of their home. They had been in trouble on several occasions, and during the Autumn of 1911 they went to a nearby school house, near the Willis Gap road, and created a disturbance, during which they made felonious assaults upon several persons.

They were indicted for this offense, but crossed the state line into North Carolina. The Carroll county authorities had them arrested and returned to Virginia in charge of a deputy sheriff, Thomas Samuels. On his way to Hillsville with the prisoners, Samuels passed over the Fancy Gap road, and just south of Sidna Allen's home he met Floyd Allen who was traveling south.

The Edwards brothers asked Floyd Allen to go with them to Hillsville and become their bondsman for appearance at court, which he agreed to do. On the

road to Hillsville the party came to Sidna Allen's house, when Samuels was attacked by Floyd Allen, Sidna Allen and Barnett Allen, a son of "Jack" Allen. This trio liberated the Edwards brothers, after taking Samuels' pistol from him and beating him in a terrible manner. They also shot at the officer who barely escaped with his life.

Samuels' broken pistol was found on the ground at this point on March 16th, during the first raid by the Baldwin-Felts detectives, in their search for members of the Allen Clan, who were then at large.

Indictments were brought against Floyd, Sidna and Barnett Allen and the case was set for a hearing at the September, 1911, term of court. It was continued to the December term of that year, and again continued to the March, 1912, term; in both instances on account of the absence of witnesses.

During this time it was rumored that Floyd and "Jack" Allen had been intimidating witnesses, in the course of which "Jack" Allen had been serving processes as "special constable," some of them having been sworn out by Floyd Allen.

Judge Massie sent for Floyd and "Jack" Allen during the December, 1911, term of court and stated to them that he had been informed of their actions, which had resulted in preventing witnesses from appearing at court, especially in the case of Samuels, the deputy sheriff. Judge Massie informed the Allens that he intended to procure these witnesses and try the case: "if he had to call out the state troops to do so."

Jasper (Jack) Allen made a very polite apology, in the

course of which he said: "I did not know it was wrong, and I won't do it any more."

At the March, 1912, term of court the necessary witnesses being present and the evidence having been taken, the case went to the jury on Wednesday, March 13th.

Floyd, Sidna, Victor, Jr., Claud and Friel Allen, and Wesley and Sidna Edwards were in attendance at court, all excepting Claud Allen being either under indictment bonds to appear, or being present as witnesses.

On each day during the court's proceedings they occupied the same positions taken by them in the court room on the morning of March 14th, when they fired upon the officers of the court and the jury.

Late in the afternoon of Wednesday, the jury announced their inability to agree upon a verdict, and court was adjourned until the following morning at 8 o'clock.

Floyd Allen and his brother Sidna left Hillsville for their homes, Sidna's place being about six and one-half miles distant, and Floyd's about thirteen miles, both situated on the Fancy Gap road. They left together and Floyd Allen spent the night at Sidna's house, talking with Sidna and his wife until ten o'clock P. M., when they retired.

According to the evidence given by these three, and sworn to by them in six trials subsequent to the Hillsville tragedy, NOT ONE OF THEM MENTIONED THE CASE OR DISCUSSED ITS POSSIBLE OUTCOME DURING THE TIME SPENT AT SIDNA ALLEN'S HOME, OR WHILE FLOYD AND SIDNA ALLEN WERE RETURNING TO HILLSVILLE ON THE FOLLOWING MORNING.

FOREWORD TO CHAPTER 3

Hillsville, the scene of the tragedy of March 14th, is only 322 miles from Washington, 292 miles from Richmond, and 94 miles from Roanoke, and the main line of the Norfolk and Western Railway passes through Radford, just fifty-one miles from Hillsville, while the line to Bristol, Tennessee, passes through Pulaski, thirty-six miles from the town.

Yet, associations and advantages known and enjoyed by people living in the cities and towns across the Blue Ridge, are strange and unfamiliar to the mountaineer. He has little or no intercourse with the population living beyond the mountains that stand as natural barriers between him and the progress and development that are taking place elsewhere.

His is a life spent amid conditions that vary but little from year to year, although in many respects (hard as they might seem to others) they appeal to him, and he is averse to any change. In the not distant cities and towns are found splendid schools for intellectual and manual training: institutions for higher education: the acceptance and observance of established rules of law and order: culture and refinement; ample opportunities for advancement in life; and an open door for all who wish to avail themselves of the benefits to be obtained through elevating associations. But the environments and associations of the man born in some isolated cabin among the peaks of

the Blue Ridge are vastly different. Here are none of the modern conveniences or advantages so easily obtainable in more favored localities.

In his case life is often monotonous and dreary, and burdened by constant toil in the struggle to provide for his family the bare necessities of life. His youthful training is not always of a nature calculated to improve the mind, for as a rule he had but few opportunities for receiving an education, and there is a sad lack of properly directed religious teaching. He naturally absorbs the ideas of older people with whom he is thrown, many of whom have but rarely traveled beyond the surrounding mountains, and he adopts their habits and method of living.

The ways of the mountaineer are inbred, and to his mind are the only ones consistent with the conditions surrounding his life, and he clings to them tenaciously. They are those which appeared right and proper to his forefathers, and there has been little or no change for generations.

He has inherited a fixed belief that whatever the earth yields as the result of his toil is his, to do with as he likes; and the constant interference (as he sees it) of the law in the form of revenue officers has engendered in his mind a peculiar antagonism for delegated authority in the shape of an officer.

He is kind-hearted and generous as a rule, and is proverbially hospitable, it being practically impossible to induce him to accept payment for entertainment of a stranger.

But he is obstinate and determined in the defense of

what he holds to be his rights, among which he includes his right to convert corn or rye into whiskey and to dispose of the same without payment of a revenue tax.

His feuds are often hereditary and are usually bitter. They frequently end in bloodshed, sometimes in murder. But he will quickly join forces against what he regards to be a common danger, and if one of his kind is in trouble or threatened with interference in his chosen avocation of illicit distilling, friends will shield him and enemies will refrain from giving evidence against him.

Sometimes a man noted for his prowess and ability to cope with his adversaries becomes the leader of a clan, and exerts a powerful influence over his fellows; and no Highland chief ever received more faithful allegiance, or held more dominant sway over his clan, than do these leaders among the mountaineers of the Blue Ridge uplands.

CHAPTER 3

The court house at Hillsville is a small structure built of brick, and stands on a little slope about thirty-five or forty feet from the main street of the straggling little town.

The "green" is perhaps five feet above the level of the street, with a retaining wall of about the height extending along the front.

The court-room, which is thirty-six by thirty-eight feet in size, is approached by two flights of stairs from the ground floor.

Taking the points of the compass from the position occupied by the Judge's chair, which is in the center of the east end of the room, one of these flights of stairs enters the court room at the southwest corner, near the door of the office of the clerk of the court, which is directly to the right of a person ascending the stairs on that side.

The other flight of stairs ascending to the court-room from the northwest corner, bears the same relative position to the office of the commonwealth's attorney.

The judge's chair is on a raised platform, about two and one-half feet in height, and about fifteen feet in length. It is enclosed by a railing supported by four posts, placed about four feet apart and with pickets between them. Directly in front of the judge's chair and but a few feet distant, the bar is enclosed by a railing of

the same kind; but that platform is raised but a few inches above the level of the floor. It is about the same length as the judge's platform, and about ten feet deep.

To the right of the judge's chair is a door in the east wall of the court room, leading into the judge's private room, which is in the northeast corner, close to the north wall. To the left of the judge's chair, in the southeast corner, is the jury room, with the same relative position to the platform.

Near the middle of the court room, on both the north and the south sides, respectively, is a large iron stove. At the west end of the room is another door leading into another jury room, sometimes spoken of as the grand jury room. To the left, or south, of the judge's platform, is the desk of the clerk of the court, extending from the east wall to a point about even with the front of the judge's platform. There is no direct communication between the clerk's desk and the judge's platform, which platform can only be entered by steps leading into it from the north side. The clerk's desk, which stands on the floor, and is not on a raised platform, is separated from the judge's platform by planks, and the exit from the clerk's desk is through a small gate facing the west wall. The clerk sits with his back to the bar, and must turn and face directly about in order to leave his desk and walk out of the enclosure.

Judge Massie, who had lost his left hand through an accident, sometimes sat sidewise to his desk, or with his chair half turned, and sometimes in a reclining position; but when busy or interested always sat erect and facing the bar. On the fatal morning of March 14th, Judge

Massie convened court at the appointed hour. He had been warned repeatedly that in case Floyd Allen was found guilty and sentenced to imprisonment he might expect trouble, and was advised to arm himself. He declined to do so and went unflinchingly to his post of duty. He discharged that duty faithfully, and in doing so met his doom.

Commonwealth Attorney, William M. Foster, had also been warned that Floyd Allen had declared: "I will kill Bill Foster before the sun goes down to-morrow, if I am convicted." On the morning the tragedy occurred, he told his family before leaving home, that he expected that would be his last day on earth. He seemed to have had a premonition of the tragedy about to occur, but went to the discharge of his duty with a courageous heart and died from an assassin's bullet. The other court officers had also been warned to expect trouble in case of a conviction of Floyd Allen.

When court was convened, the several officers of the court were in their usual positions. Floyd Allen sat on a chair in the prisoner's dock behind the bar, with his attorneys, Judge Bolen and Mr. Tipton beside him.

The little court room was well filled with persons interested in the trial, there being probably two hundred present. Floyd and Sidna Allen had arrived just before the court house bell had rung. Friel Allen and a companion were eating breakfast in a nearby restaurant, when the ringing of the bell announced the convening of court.

The horses belonging to the Allens and the Edwardses were left in Blankenship's stable and stable yard, with the

exception of that belonging to Claud Allen, who left his horse in a stable back of a nearby store.

Blankenship's stable is situated about one hundred yards from the court house, just across a narrow alley running past the jail.

On his way to the court house, Friel Allen, who had left an unfinished breakfast when the court house bell rang, stopped at a drug store and asked Doctor Nuckols, the proprietor, how long he would remain there, as he wished some medicine later.

Upon entering the court house, or court room, the Allens and Edwardses occupied the identical positions they had taken in the room during the entire progress of the trial.

Claud and Sidna Allen occupied a position in the northeast corner of the room, standing on a bench. Both were armed and had a supply of extra cartridges in their pockets.

Wesley Edwards stood on a bench in the northwest corner, also armed and supplied with ammunition, Victor Allen standing near by.

Friel Allen also stood on a bench in the front center, similarly armed and equipped.

The position taken by Victor Allen and Wesley Edwards cut off egress at that point by way of the northwest door. That taken by Friel Allen barred entrance to the adjoining room. All means of egress from the court room were thus barred, except the southwest door.

From the stations occupied by these members of the Allen Clan, not one was within the range of the others' fire, but at the same time all could deliver a deadly cross-

fire at the court and its officers, and without danger of striking Floyd Allen.

The jury came in from the jury room and took their seats in front of the judge's platform. Judge Massie asked: "Gentlemen, have you reached a verdict?" The foreman of the jury replied: "We have," and handed it to the clerk of the court. The verdict was not in proper form, and Judge Massie accordingly dictated one framed in proper language to the commonwealth's attorney, who laid the paper on a book held in his hand and wrote these words: "We, the jury, find the prisoner, Floyd Allen, guilty, and fix his punishment at one year in the penitentiary. (Signed) Foreman." Judge Bolen, one of Floyd Allen's attorneys, turned to him and remarked, "Take it quietly, Floyd, there is a brighter day coming for you." Allen replied: "I am going to take it 'cam,' but I hate it on account of my two boys."

Several motions were then offered by attorneys in other cases, after which Judge Bolen made a motion for a new trial for Floyd Allen, or to set aside the verdict just rendered. That motion was overruled by Judge Massie. Then Judge Bolen stated that he had some after-discovered evidence which he wished to submit, and asked the court to set a time for a hearing. Judge Massie granted the request and set the next morning, March 15th, as the time for the hearing.

Either Floyd Allen, or Judge Bolen, or both, beckoned to Claud Allen, who was in the northeast corner of the room with Sidna Allen. Claud came into the bar, and Floyd Allen began to give him some instructions as to which horse to ride on a trip to secure the presence of

certain witnesses which he, Floyd, said he desired in connection with an affidavit for the purpose of a new trial.

Judge Bolen turned from them, and Floyd and Claud then held a whispered conversation, with their faces close together, "hand to face and mouth to ear." After this conversation, Claud Allen returned to his position in the northeast corner of the room.

Judge Bolen then made a motion for bail, pending a hearing the next morning for a new trial. Judge Massie refused bail on the ground that "bail cannot be granted a convicted and sentenced prisoner," and said: "Mr. Sheriff, take charge of the prisoner." These were next-to the last words he ever uttered. Sheriff Webb advanced two steps toward the prisoner, one hand hanging by his side and the other at his mouth holding a toothpick. Floyd Allen sprang to his feet, and exclaimed, "Gentlemen, I just ain't a goin'!" and began to pull at the buttons of his sweater and draw his revolver.

A shot rang out from the northeast corner of the room, fired by Claud Allen, and Judge Massie shuddered and began to sink down from his chair, mortally wounded through the breast.

A second shot followed immediately from the same place, and Sidna Allen was seen advancing through the smoke with Claud Allen by his side, both firing rapidly upon the court officers and the jury. Floyd Allen had meanwhile drawn his pistol and had fired upon Commonwealth's Attorney Foster, and sheriff Webb.

Wesley Edwards was advancing from the northwest corner, with a Colt's automatic pistol, in the direction of

clerk Goad and Commonwealth's Attorney Foster, firing as fast as he could shoot.

From his stand on a bench in front of the jury room door at the west end of the court room, Friel Allen was also firing upon the court officers.

By this time Clerk Goad had stepped outside the railing surrounding his desk, at the south end of the judge's platform, and had gone obliquely a distance of about eight feet to a point near the stove on that side of the room, at the same time turning to face Floyd Allen.

Clerk Goad was armed with a 38-caliber Colt's automatic pistol, which he had in a new holster inside his vest next to his shirt, his vest being tightly buttoned over it. On his attempt to draw the pistol it hung in the holster, but he finally succeeded in detaching it, and fired four shots at Floyd Allen, having in the meantime received a shot which entered his cheek near the corner of his mouth, passing entirely through and coming out at the back of his neck, tearing out the rear collar button of his shirt. His pistol then "hung," and he stepped back towards the jury room working at it in an effort to get it "unjammed." He could not do so, but at this juncture Peter Easter handed him a revolver.

Deputy Sheriff Gillespie, kneeling down at the south end of the bar, and taking deliberate aim at Floyd Allen, fired four shots into his breast, seemingly without effect.

Deputy Clerk Quesenberry, from a point at the southwest corner of the bar, had fired two shots at Floyd Allen from a 25-caliber automatic pistol, and turning, fired one shot at Friel Allen, missing him.

Judge Bolen had lain down on the floor, in order to be

out of the range of bullets, and Floyd Allen, after Quesenberry's shots, had fallen upon him and would not move. Judge Bolen finally succeeded in extricating himself from under him, and Floyd Allen then arose and leaping over the railing of the bar ran out of the court house.

The other members of the Allen Clan had also rushed from the court house, with the exception of Sidna Allen, who, it is said, crouched down at the end of the judge's stand and fired two shots at the prostrate body of Judge Massie. He then turned and ran from the court room, leaving by the northwest door, but turned at that point and fired one shot at Deputy Sheriff Gillespie, in return for a shot Gillespie had fired at him. Down in the yard Floyd Allen was limping around, shooting back at the court house.

A tall young man, wearing a dark overcoat, afterwards ascertained to have been Sidna Edwards, approached Floyd Allen, reloaded Allen's pistol with cartridges carried in his overcoat pocket, and handed back the weapon.

Floyd Allen exclaimed: "There goes another of the damn scoundrels! I'll get you," and fired two shots at the man, who was James N. Early, one of the jurors.

The county treasurer came across the green and ran towards the southwest end of the court house steps as he noticed Sidna Allen in the act of firing at him. Sidna Allen said: "Let's get every one of the damn rascals!" and fired at him, striking a window shutter about twelve inches above his head.

Clerk Goad had in the meantime gone to the top of the steps at the southeast corner of the court room leading down to the green, from which point, seeing Sidna

Allen in the act of firing at some one on the green below, Goad opened fire on him with his second pistol. His daughter, Jezebel Goad, was by her father's side. Sidna Allen jumped behind one of the large pillars in front of the court house, and fired at Goad, first from one side and then from the other, and Goad returned his fire until both had emptied their revolvers. Sidna Allen received one wound in the fleshly part of his arm, the bullet ranging through it and into his back within about five inches of the shoulder blade. After emptying his revolver at Goad, Sidna Allen jumped down into the street, ran behind the Confederate monument in front of the court house, and reloaded his weapon.

All of the Allens and Edwardses then met at Blankenship's stable, and Floyd Allen was assisted in mounting his horse. Growing faint, however, he was assisted out of the saddle and Victor Allen asked for a buggy. Blankenship informed him he had none of his own. Floyd Allen exclaimed: "It don't make no difference who it belongs to, git it, and git it damn quick!" The buggy was supplied, and Floyd Allen placed in it, but fainted and was taken out and laid on the ground, as it was supposed he was dead. The Allens then rode away on their horses, leaving Hillsville through private property and returning to the Fancy Gap road at a point about a mile from Hillsville, going thence to their homes. Floyd Allen was taken to the Elliott House, accompanied by his son Victor, who had remained with him, and placed in bed.

Doctor Nuckols had been sent for and when he arrived at the court house a gruesome sight met his eyes. Sheriff Webb was lying dead on the floor of the court room.

Commonwealth's Attorney Foster, with his body riddled by bullets, and shot through the head, the blood spouting from his ear and falling two feet from his body, had staggered along the south wall, finally reaching the jury room, where he died.

Dexter Goad, the clerk, had been shot in four places, one bullet entering his cheek and coming out at the back of his neck, and he had eleven bullet holes through his clothing.

Juror Fowler was dead, lying on the floor near the northeast corner of the judge's bench, shot through the head; and Juror Cain was lying in the jury room, shot through the back and leg.

Juror Howlett had also been shot in the back and seriously wounded.

Rebecca Ayers, a witness, had received a bullet in the back, from the effects of which she died the next day.

Before Doctor Nuckols arrived at the court house, a lady living at the Texas Hotel had brought a pillow and placed it under Judge Massie's head.

Juror Fowler was carried into the Texas Hotel and the Ayers girl had gone there also, while the others who had been wounded were carried out and cared for as well as circumstances would admit.

Doctor Nuckols examined Judge Massie when he reached the court room, and found him in a dying condition. One bullet had entered his right shoulder, and passed through it into the lung. Another bullet had passed through his wrist and a third through his leg near the knee. He was suffering excruciating pain and asked for an opiate. Doctor Nuckols administered a hypodermic

injection of morphine, but it did not have much effect. After a short interval Judge Massie said: "Sidna Allen shot me," and a little later he repeated distinctly, "I am dying. Sid Allen killed me." A few minutes after making this statement he expired.

Miss Ayers was taken to the home of a relative near Fancy Gap and died on the following day from the effects of the wound received in the court room.

Meanwhile the wildest excitement prevailed in the little town of Hillsville. The court room had the appearance of a shambles, the principal officers of the court had been killed or wounded and the whole community was shocked and terrified by the crime.

The news was being flashed over the wires throughout the whole country, and the wildest rumors were afloat. It was momentarily expected that the Allen Clan would return for Floyd Allen and that more bloodshed would result.

Floyd Allen had sent for Doctor Nuckols, who called to see him repeatedly, but each time he went Allen refused to allow the doctor to examine his wounds.

The wildest proposals were discussed by the terrified citizens.

Finally the governor was communicated with and W. G. Baldwin and T. L. Felts, principals of the Baldwin-Felts Detective Agency, were placed in charge of the situation. They were at that time, however, already using the wires to bring their men together at Hillsville. Detective Elmer Brim and a party of men from Galax had arrived on the scene. Volunteers had been called for and about thirty deputies had been sworn in. Jack Allen and

his son Barnett had arrived and were in the Elliott House with Victor Allen and Cabell Strickland, caring for Floyd Allen.

Elmer Brim and Deputy Worrell took charge of ten deputies, put the Elliott House under strict guard, and kept it surrounded all night. They built a large fire in the middle of the street, for both light and comfort, as the night was both dark and cold, with rain falling incessantly.

Jack Allen had left the Elliott House and had promised to return for Floyd, but did not do so. Floyd Allen never gave up hope of a rescue until the next morning, when T. L. Felts arrived in Hillsville and placed him under arrest.

A posse of Baldwin-Felts detectives had left Roanoke March 14th, the day of the tragedy, on a special for Galax, and took supper at the home of T. L. Felts, at Blair, Virginia. They traveled all night, in trains and hacks, and on arriving within three miles of Hillsville found that "Crooked Creek" was so high they were unable to ford it with vehicles, and walked into Hillsville, reaching the town at about seven o'clock on the morning of the 15th.

T. L. Felts at once took charge of the situation and went to the Elliott House, where he placed Floyd Allen under arrest and left him in charge of a guard. At about nine o'clock Floyd Allen was placed on a cot for removal to the jail. While he was being carried from the hotel to the jail, one of the officers noticed that the cover under which the prisoner was lying was being shaken and on partially removing it discovered that Allen was cutting his throat with an old, dull knife. The knife was taken

from him and the gash he had inflicted was given medical attention.

Judge Waller R. Staples arrived from Roanoke during the morning and swore in as deputies the Baldwin-Felts men as they came in.

The Allen Clan had not returned to Hillsville to try to rescue Floyd Allen, but were at large in the mountains, armed, and doubtless prepared to offer a fierce resistance to any attempt at capture. A long and thrilling man-hunt was about to take place.

CHAPTER 4

It has been heretofore stated that at the time the Hillsville tragedy occurred the weather was extremely inclement and that the roads throughout the country adjacent were in an almost impassable condition. As these conditions prevailed throughout a considerable portion of the time during which Carroll county was scoured in all directions in the search for the Allens, resulting in the capture of Claud and Friel Allen and Sidna Edwards, a description of the difficulties encountered and the hardships suffered by the posse engaged in the man-hunt will now be narrated. The incidents recorded are taken from daily notes, carefully kept by E. C. Payne, of the Baldwin-Felts Detective Agency, and written in the form of a diary by Elmer Brim, who was Payne's courier.

Detective E. C. Payne was one of the men who captured Claud and Friel Allen.

This account of the long search through the rough and mountainous country traversed, is replete with stirring incidents, for every moment of the time spent on the track of the fugitives was fraught with danger to those composing the posse.

It was expected that the Allens would fight to the last ditch before surrendering. They were known to be well-armed and supplied with plenty of ammunition. They were men of the most desperate character, each with a price set upon him for capture, dead or alive, and were

familiar with every nook and cranny throughout a section of country which affords numerous hiding places and opportunities for ambuscade.

That portion of the country which is not a veritable wilderness is but sparsely settled, and the few inhabitants were either adherents of the Allens, or were so completely terrorized, that little help or information could be gotten from them.

Much of the work of trailing and raiding had to be done at night and at a season of the year when the weather was miserable and travel dangerous and toilsome.

The work, however, was carried on with grim determination and it resulted in the capture of the three members of the clan who had not succeeded in escaping from Carroll county.

The two who had succeeded in making their escape from the mountains and had reached the Northwest, were subsequently captured in Des Moines, Iowa, under circumstances which will be described in a succeeding section of this narrative.

The account of the hunt for the Allens through the mountains of Carroll county, as recorded by Detective E. C. Payne, is as follows:

“ was at Winding Gulf, in Raleigh county, West Virginia, on March 14th, the day the Hillsville tragedy occurred and about one o'clock in the afternoon I received a telephone message from T. L. Felts, who was in Bluefield, West Virginia, asking if I could join him at Hillsville.

He told me what had occurred at the trial of Floyd Allen and inquired whether I could come promptly. I was nine

miles from Mabscott, the nearest railroad station on the "Piney Branch," a spur running out from Prince, on the main line of the C. and O. Railroad. I told Mr. Felts how I was situated and that the only way I could reach the railroad station would be to walk, and to carry my rifle and baggage. He laughed and asked: "Well, can't you walk?" I replied: "Yes, I can slide, if necessary," and that I would start at once. Accordingly I walked to Mabscott, where I arrived at about dark, and just a few minutes before the train left for Prince, on the main line.

My trip to Mabscott was made through a blinding snow-storm and the snow which had already fallen covered the ground for a depth of six inches. Arriving at Hinton, I caught train No. 2 for Basic City, meeting with L. C. Felts and William Burwell. We arrived at Basic City early on the morning of the 15th and proceeded to Pulaski by way of Roanoke, over the Norfolk and Western Railway.

The railway superintendent at Pulaski sent us to Betty Baker on a special train, arriving at Betty Baker early in the afternoon.

After much difficulty, we succeeded in procuring a conveyance to take us to Hillsville, thirteen miles distant, where we arrived soon after dark.

The roads were almost impassable and rain was descending in torrents. Most of the older and experienced men of our force arrived in Hillsville during that evening and night.

Attorney General Samuel W. Williams and Judge Waller

R. Staples had come to Hillsville during the day, as had also Mr. T. L. Felts.

Heavy rewards had been offered for the capture of the Allens, but we were handicapped in starting on their track, as we could secure no horses. A council was called, over which Attorney General Williams, Judge Staples and T. L. Felts presided, with Phaup, Harrison, Lee Felts, D. O. Baldwin, Burwell, John Faddis and myself present. Persistent reports had been received that the Allen clan were at Sidna Allen's home, seven miles distant on the Fancy Gap road, and were fortified in a brick basement under a store.

We were compelled to wait, as the condition of the roads, wintry weather, darkness and distance to be traveled precluded any movement on foot, and no horses were available. Captain Davant and Lieutenants White and Hartigan, of the state militia, had arrived, and were present at another council held the next morning. The weather had now become clearer, but was very cold.

We secured horses by noon and our posse started for Sidna Allen's home with Lee Felts in command. We dismounted on reaching Coltrain's, about three-quarters of a mile from Sidna Allen's home, and, by taking advantage of the hills got within about one hundred yards of his house, when we made a rush and surrounded the house on all sides. Lee Felts, Burwell and myself met at the front door, and, on opening it, Burwell and I entered first, all three meeting so closely that we almost "jammed" together in entering,

Sidna Allen's home is a large house, well built and of good architecture. It contains about ten rooms, and has

more "crannies" and "cubby-holes" than I have ever found in any of the hundreds of houses I have searched. We expected a fight and a fierce one, but a strict search of the house, outbuildings and store, failed to reveal the presence of any of the Allen gang.

However, we found Sidna Allen's blood-stained sweater with a bullet hole in the arm.

Garland (Preacher) Allen, a brother of Floyd and Sidna Allen, was arrested, as was also his son. Garland Allen was put through a severe "third degree" questioning, but he positively denied having seen Sidna Allen, or any of his companions, and asserted that he knew nothing of their whereabouts.

It was ascertained from other parties arrested later, that Sidna Allen saw and talked to Garland Allen after the shooting took place and received medicine from him in order to dress his wounded arm and back. Much discouraged at our failure to locate and capture the Allens, we returned to Hillsville.

During the night information was received that the Allens were at the home of Mrs. Alberta Edwards, the sister of Floyd and Sidna Allen, and mother of Sidna and Wesley Edwards. Accordingly, on the morning of Sunday, the sixteenth, we started out across the Blue Ridge, over the Fancy Gap road leading to that point. The telephone wires had been cut ahead of us, on each side of the Fancy Gap switch-board. We made our way to within a mile of the Edwards house, which is a natural fort, and placed the three militiamen in positions from which, with their long-range rifles, they could command the country

thereabouts, and watch by aid of glasses for any suspicious movements.

Phaup, Burwell, Lee Felts, Mosby and myself, each took charge of four men and made a dash for the house in a body, with our horses on a dead run; scattering and surrounding it as we came into a field from the woods. My squad was ordered to go to the right and behind the house, through an orchard, and search an old cabin and the outbuildings, which we did, Mosby, Frank Jones and I going into the buildings. Jones and I examined the loft of the cabin, climbing up a narrow ladder and "poking" our rifles ahead of us with our hats on the ends of them. Nothing but a large and innocent looking pile of blade fodder greeted us. After our eyes became accustomed to the darkness we proceeded to search the loft. Suddenly I stepped into what I thought was a hole in the floor, and expected to fall through to the floor below. To my surprise, however, I landed safely, up to my knees in the "pot" of a big still.

We made a close search and discovered two complete outfits, caps, stills and worms; the second one found being smaller in size and bore the evidence of having been captured at one time, as it had been "devilled," or cut full of the three-cornered holes which are made by the little hammer, or "still devil," carried by revenue officers when on a raid.

Brim and Lucas had continued on a gallop to the foot of the mountain, capturing two young men who had made a dash for the woods. We failed to get any information from them, but it developed later that we would have

highly prized the information they possessed but would not divulge.

Brim, Lucas, Mosby and Kefauver kept on toward the foot of the mountain and found the furnaces and mash tubs of the two stills.

After a weary search of the bushes and rocks, including a cliff which we supposed was the notorious "Buzzard's Roost," all of us met at the Edwards home, where we bought and ate all the eggs Mrs. Edwards had. This was the first meal of the kind we had had, but we were destined to have a number of the same kind during the hunt for the Allens.

After his capture Friel Allen made this statement: "When you-all came to the foot of the mountain, uncle Sidna Allen, Wesley Edwards and myself was in the Buzzard's Rock" (which we afterwards discovered was about one hundred yards further up the cliff we had examined, but was hidden by a clump of tall pine tops.) "Wesley and myself started to shoot, but uncle Sidna said: 'Wait till they git closer. If we can kill them big fellows, the leaders, we can scatter that bunch.' So we did not shoot."

Brim subsequently examined this cliff and found Buzzard's Roost and searched it, as did several of us, at various times. It is a large rock, half cave and half shelf, about fifteen feet deep, three or four feet in height and about thirty feet long. From this place a fine view can be had of the surrounding country, but to those unfamiliar with its location it will escape observation, as it is completely screened from view from below by the tops of trees reaching to the edge of the rock.

Inside the Buzzard's Roost Brim found a cartridge box

and a large piece of cloth, evidently one of Sidna Allen's bandages.

After finishing our meal at the Edwards place, we rode through the woods to the Willis Gap road, where Sidna Allen had a little clearing with a tenant house on it. We searched this, but with no results. We then searched all the houses we came to for miles about this section, but discovered no trace of the Allens. The captured stills were left with a family living near the Edwards place and a receipt taken therefor. We then went to Floyd Allen's house and searched it as well as other buildings on the place, including the store.

In the store building I found a large still, within thirty feet of the public road, one small barrel of whiskey in the cellar below the store, and three kegs of whiskey in a feed house about seventy-five yards beyond. I placed the still and liquor in Floyd Allen's store and locked them up.

We asked Mrs. Floyd Allen to prepare a meal for us, which she did, and we also secured feed for our horses. Mrs. Allen was very kind to us, and is a fine woman and much to be pitied. We paid her liberally for our suppers and for the feed furnished for our horses.

That evening we went into the timber land and the posse divided, one half proceeding towards Willis Gap, raiding in that vicinity and returning to George Thomas' house where they secured supper and lodging for the night. The other party went to Hillsville, twenty miles distant.

Deputy Marshal Steve Faddis went back the next day and secured the stills and liquor after we had sent him a message stating where they were to be found.

At about three o'clock the next morning, deputy sheriff

Bud Edwards, Mosby and myself went back to the Edwards house, and taking positions near by watched it until daylight, when we searched the place again, but discovered nothing. On searching the old house in the loft of which the stills had been discovered, we noticed a little closet under the steps and on opening it found a fifty-six gallon barrel of corn whiskey, covered over with fodder and leaf tobacco. From the appearance of the barrel it was very old, the bung having been nailed in with wire nails which had rusted nearly in two in the wood. Lee Felts came in and we knocked in the head of the barrel and poured out the liquor. We did not sample the whiskey as "raiders" never drink any of the whiskey they capture, as they are fearful of being poisoned.

Sidna Allen's property having been taken under attachment by the court and his horses taken to Hillsville, pending the damage suits to be brought by the families of those killed in the court room on March 14th, we started on the road to Galax at about 5:30 P. M., March 19th, the party consisting of T. L. Felts, Phaup, Burwell, Brim, Lee Felts and myself. We arrived there at about nine o'clock and went to bed for a little rest.

The next day at about four o'clock P. M., after having added John Faddis to our posse, we started by way of the Piper's Gap road for the Sugar Loaf Mountain and Lambsburg country and by midnight reached "Billy" Hawks' place at the foot of the mountain, below what is known as "the jumping-off place."

On our way to Hawks' place, our presence was signalled from point to point over every mile traveled. After darkness had set in, fires were started on numerous hill-tops

indicating the whereabouts of our men. On arriving at Hawks' place, we found Jack Allen there.

The posse, with the exception of T. L. Felts, Phaup and myself, remained in a woods nearby, or in a barn near the house, so that we were the only ones who showed themselves.

After a long wait, in order to allay suspicion on the part of Allen or Hawks, we started on what we felt certain was to prove an eventful journey. The night was so black that it seemed we could actually "feel" the intense darkness. We hoped to surprise the Allen gang and had made up our minds to have it out with them, quietly or otherwise. We had strong reasons for fearing an ambush and accordingly rode in single file along the dark road, or trail.

Before leaving Hawks' place, T. L. Felts made a settlement covering some important business matters connected with his estate, and all of the "old heads" took a hard look at each other, as we felt our ride might be the last one we would take together. After riding about a mile to a point near the place we expected to find the Allens, two shots were fired directly ahead of us, one loud, heavy shot, and one keener and lighter in sound, and when we made a thorough search we found our birds had flown.

We traveled about four miles further, until we came to a point where the road or trail crosses a large creek, and rode into a little clearing on the side of the road. Tying our horses to our wrists with the hitching straps, we buttoned up our "Slickers" and lay down in the standing water which covered the entire flat and took a two hours' nap.

We then continued on our journey several miles further until we reached a store kept by a mountaineer named Jones. We entered his stable and lay down in the fodder, hiding our horses in the bushes near by, and waited for some of our scouts to make their appearance.

After getting breakfast we went into the "Flower Gap" and searched every house in that vicinity, after which we worked over toward Fancy Gap. Lee Felts then left us with part of the squad to work back twenty miles toward Galax and through the ridges toward Piper's Gap.

T. L. Felts, Brim, Mosby, Kefauver and myself arrived at the old hotel building at Fancy Gap after darkness had set in and finally succeeded in arranging for ourselves and our horses to be kept over night. We needed rest, having ridden eighty-two miles since saddling our horses at Galax, with much strenuous climbing and rough walking besides.

On March 22d, we received information that Sidna Allen and Wesley Edwards were at "Dick Gwinn's widow's" house on the left of the Willis Gap road going south. At 2:30 A. M., on the 23d we started with a guide, and "felt" our way for some miles on foot through pouring rain and sleet to the edge of the Gwinn clearing. We stood there until 5:30 A. M., in the down-pouring rain, huddled together in a bunch trying to keep warm.

I had fallen into a "sink hole" and had cut my left knee badly, and was suffering severely from the injury, but we stood there in the rain until it finally soaked through our "Slickers" and hats, but when daylight came we "rushed" the four buildings (three cabins and an old log still house) and surrounded them.

We made a careful search, examining the lofts and other

possible hiding places, but discovered nothing. Sorely disappointed, we worked our way back to headquarters, arriving at about ten o'clock.

On this same day, March 22d, Sidna Edwards was captured near Lambsburg, in Carroll county, by L. C. Felts and W. W. Phaup. His capture was effected without any particularly striking features, as he was encountered in the public road by the two detectives at night and arrested. It was reported that Edwards had been sick of a fever. The fact is he had been suffering for quite a while from the effects of a bad burn on his foot and ankle, received by spilling hot "mash" made at his Moonshine still near his mother's home.

On Sunday, at two A. M., we started for Solomon Ayers' place in a blinding snowstorm with the wind blowing a terrific gale. In the face of this storm we traveled up and across the top of "Elk Spur" and it was with extreme difficulty that our horses could make any headway. The wind was the most severe I have ever encountered, and twice during the night the horses Mosby and I were riding were blown bodily out of the road.

We finally succeeded in crossing the crest of the ridge and started down the north side of the mountain. The terrific wind, blinding snow, intense darkness and danger from falling timber combined to make that ride one long to be remembered. After we descended below the snow line and came to the smaller timber, we dismounted and hid our horses and walked.

We were obliged to cross a little creek at the foot of the ridge and as I was wearing high laced boots while my companions wore shoes and leggings, I waded that creek

six times and carried a man across each time on my back, as I knew they would freeze while waiting for daylight if they got their feet wet in crossing the creek.

We had been informed that Sidna Allen's dog had been seen around Solomon Ayers' barn, and that someone had been sleeping in the barn. We surrounded the house and barn and when daylight came, we "rushed" the place and made a search. We found the nests in the hay and evidence that men and a dog had been there, but the cold had driven them out the night before. It was known that Sidna Allen's dog was gone from his home, and the information we had was straight, and we barely missed meeting them, for on our way back we found tracks which we felt certain were made by Sidna Allen and Wesley Edwards.

We followed these tracks until they could no longer be distinguished. We afterwards learned that they were in a cave that day, known as "Buzzard's Rock," (there are several places in this part of the country bearing that name), within fifty feet of the road traveled on our way to Ayers' place.

Luck seemed to be against us.

On the twenty-sixth we searched Bald Rock Knob from three o'clock A. M., until noon, with no success.

We raided and searched the entire day of the twenty-seventh when T. L. Felts left us, remarking: "Boys, I am desperate." I replied: "Never mind, Mr. Felts, we will get one of them today, or tomorrow." On the twenty-eighth I got information that Claud Allen was in hiding somewhere south of the Edwards house, near

the North Carolina line, and was being fed by a man named Easter, in the "Tolbert settlement."

Lucas and I scouted slowly across the country that morning. It was "flat woods," full of small ridges and mountains, and covered with a growth of ivy, young locust and broomstraw, "as thick as the hair on a dog's back." We finally reached Easter's house and found him absent, but intercepted him on his return.

He looked guilty, and on close questioning could give no satisfactory account of where he had been. We placed him under arrest and I asked Lucas how long it would take him to get the other three men. His reply was short, and he was off like a Comanche Indian. In about an hour he returned with Smith, Mahood, and Pritchard. We hurried our horses into the bushes near a spring and took Easter with us, following his "back tracks," which were plain. After going about three miles he had turned into the woods, and at that point three ridges ran into a common center "like the heel of a turkey's foot."

We had to crawl along by the side of an old stone fence at the edge of a little field to keep out of sight of the clearings on our left, and on reaching the end of the fence we saw a man on horseback to our right, at the edge of the woods, and another down in the field.

The one in the field went to an old chestnut stump took a jug from it, filled a bottle and put something back into the stump, presumably a jug. Then they came on together and we held them up.

The man on foot had a double barreled shot gun and a belt full of cartridges, also a revolver, a pair of "knucks" and a bottle of moonshine whiskey.

We left both men there, under guard, and went in and searched the first ridge for about a mile but with no results.

We came back over the second ridge and lay down on the ground waiting for a squall of wind and rain to pass. We then started over the third ridge, Lucas taking the center, I the left, with the others on the right.

My side proved the shortest, and I came out at the end at an old tobacco barn, which I searched. Some one had been sleeping in it and tracks corresponding to the size of shoes Claud Allen was supposed to wear led from the tobacco barn to a spring in a little swamp about one hundred yards distant. At the spring I found the same track, fresh, and followed it to the hard ground at the edge of some bushes on the hillside.

Here I squatted down, both for a breathing spell, and because I knew the other men were soon due, and did not wish to be mistaken by them for Allen.

I was there about five minutes when I saw a man slipping by through the bushes at my right. I felt certain our men had started one of the Allens and fixed the sights of my rifle on his left arm, intending to hold him up when he reached the open and have the drop on him.

Just as he got in a line with me, due south, he suddenly straightened up and threw forward his Winchester. I saw a man jump up about fifteen feet in front of him, and about thirty feet from me, and Lucas, for it was he, said: "Put them up, quick."

Claud Allen answered: "I've got them up." Lucas said: "Put the other arm up!" and Allen replied: "I've got it up." Lucas then said: "That's what I call a man." I called out: "Watch to your right side, Luke,"

and made my way through the bushes to them, when we disarmed Allen.

When captured, Claud Allen had a 38 hammerless Smith and Wesson and a 38 Colt's, with plenty of cartridges. He also had about a half bushel of bread and meat and a half gallon jar of water; also eighty-three dollars and sixty-seven cents in money and a good gold watch. He had a bed in the laurel roots, made of several quilts, and also had a "slicker."

I fired a shot to call in the others, and after some time they arrived. We then returned to where we had left our detained prisoners and released them.

Claud Allen wanted to go by his home, about four miles away, but I told him I could not bear scenes of that kind, and we mounted him on Smith's horse, Lucas and I riding on each side of him. In this manner we traveled over the Fancy Gap road to Hillsville, twenty miles distant, where we arrived shortly after dark in a pouring rain.

We were so nearly exhausted from fasting and fatigue that we could scarcely stand after dismounting from our horses. We turned Claud Allen over to the guards at the jail and went to bed for the first time in many days and nights.

Claud had a violent attack of cramps on the way to Hillsville and I felt sure he had swallowed poison. We accordingly rode hard, but he recovered as soon as he dismounted from the horse.

Mr. Felts arrived shortly after we did. He would have been with us at the capture of Claud Allen had he not heard sounds of firing to our left, about the time we started back from the mountains with Claud.

He proceeded in the direction of the firing, thinking one of the fugitives might have captured one of our couriers. After running his horse about three miles, he overtook the man who was doing the shooting. He proved to be the man on horseback whom we had arrested before we captured Claud Allen. After being released he had gotten drunk and was firing his automatic pistol, which I had overlooked while searching him. He had finally shot his own horse through the neck.

On the morning of the next day, March 29th, T. L. Felts, Lucas and I made an early start from Hillsville and went out through Fancy Gap and, when nearly across the Blue Ridge, we received information that Friel Allen had made his way to his father's house, about a quarter of a mile from the Fancy Gap road, and near the Gap. We accordingly turned back and rode to Jack Allen's, where we arrived at about noon. Jack Allen was on his porch, in company with his wife.

Upon riding up to the house, Mr. Felts said: "Mr. Allen, we have information that your son is here and we must make a search." Jack Allen replied: "All right, look!" Mr. Felts sat on his horse outside the house, at a point from which he could view the entire premises and I entered the house and made a search. I found no trace of Friel Allen and both Mr. Felts and I then went to the barn, which is a very large one, and searched that also, but with no success.

When we came to the wagon shed, which is built into the middle of the barn, we found in it a number of vehicles of all descriptions. Among them was an old "North

Carolina," boat-shaped wagon-body, lying on the floor at one side, with a lot of straw and trash in it.

Mr. Felts examined all places where a man might likely be hidden, while I stood at the door, rifle in hand, and covered his movements. He started to work the old wagon-body, but stopped and turned to look under the lowered top of a buggy, when I saw a man spring up from the bottom of the old wagon body.

I called to Mr. Felts: "Look out!" and to the man: "Hands up!" in the same breath, and Mr. Felts and I had our rifles on him in a second. He put up his hands and called out: "I give up."

The man, who was Friel Allen, was in a bad physical condition, being worn out and hungry, and had a chill. We took him outside and Mr. Felts took off his overcoat and made Allen wear it. Afterwards we took him to the house and asked Mrs. Allen to make an apple toddy for him, which she did. After drinking the toddy he seemed better.

His brother Barnett came in and we allowed Friel to have a bath and let Barnett shave him and cut his hair. Then all of us had a good dinner. Mrs. Allen displayed great fortitude, but poor old Jack broke down completely, and I was much moved by his distress, for I have always liked Jack Allen.

We mounted Friel on his own horse, and between us he rode to Hillsville, not handcuffed, and was placed in jail with Claud Allen.

After a few hours rest we departed early on the next morning for Jones' store, and waited until daylight when we surrounded and picketed the farm of Wilborn Easter,

as we had received information that Sidna Allen and Wesley Edwards would cross there that night. We closed in on Easter's farmhouse at daylight. Mr. Felts, Lucas and I went to the door and Easter met us.

He seemed so willing to permit a search that he deceived us completely, particularly as he disclaimed any knowledge of the whereabouts of the fugitives, and said he had no sympathy with them.

We searched without avail and felt somewhat ashamed of ourselves, but started to the barn, when John Faddis and I discovered tracks coming from a patch of broomstraw and small bushes standing in the middle of a field leading into a tract of several hundred acres of ivy.

We followed them back and we found a nest in the broomstraw where two men had slept that night, and coming to that point from a fence which ran to Easter's house were three trails made by the same kind of shoes in each instance. These tracks were made by a man wearing large shoes, one of which had a patched heel and sole on one foot. We followed the tracks back to Easter's house and made him come out again. We fitted his shoes to the tracks on the ground and found they corresponded exactly, patches and all.

We then went back to the "nest," where we discovered a receipt to Wilborn Easter for \$73.00, signed, "Sidna Allen," with a notation, "paid away from home."

Our state of mind and temper can be imagined.

We searched that whole section of country, and took Easter with us, much against his will, but discovered no trace of the Allens or Edwardses.

Easter's wife is a sister of Wesley Edwards and was

sick, and we therefore released Easter, who, however, followed me, indulging in jeering and insulting remarks. I asked him twice to leave, but he persisted with his annoyance until I was finally compelled to knock him down, after which he took his departure.

On Sunday, March 31st, word was sent in by Brim, Franklin, and the guide, that Sidna Allen had been "started" near 'squire McMullen's. Accordingly, Charles Patton and I took another guide and started south from George Thomas' place on the Willis Gap road to intercept him at or near Tom Strickland's, about two miles below. Just at sundown, we came to a little creek running through the center of a small field. To cross it I had to make a long jump from the bank which was rather higher on the side where I was than on the other. In doing this I made some noise. When I reached a fringe of bushes along the side of the fields I saw very fresh tracks just outside the edge of the bushes, where a man had started to step out and had turned back. I feel certain these tracks were Sidna Allen's for the little slab across the creek at that point still showed the wet footprints made as he went back into the woods. I therefore missed meeting Sidna Allen in the open by only a few seconds.

He was armed with a shot gun and I had a Winchester and had I been watching the field a short distance away we would have met. But he evidently heard the noise made when I jumped across the creek and retired into the woods. I have always regretted not meeting him in that field.

At about twelve o'clock that night the State bloodhounds arrived, having been sent via Mount Airy, North

Carolina, in charge of Handler Lane from the State farm at Richmond. We put them on the trail at daylight and they took it finely, but soon lost it. Sidna Allen told me since that I had the dogs on his trail that day and that he and Wesley went back into the mountains.

Darkness came on and Detective Patton and I took advantageous positions on the trail running along the south side of the mountain, being stationed about one hundred yards apart. A little before midnight, Patton came to me to get a match, and while doing so his rifle was discharged, the shot narrowly missing my head. We realized then that there was no use in watching that particular road any longer and went in about an hour before the arrival of the bloodhounds.

We ascertained on the next day that Sidna Allen and Wesley Edwards had succeeded in penetrating our lines during the night and, at a point about two miles west, had passed close by the log cabin of a man named Bevens, who, it is alleged, ran a moonshine still near there. On hearing his dogs bark, Bevens went to his door and heard men "thrashing" through the bushes close to his hog pen. He fired three shots in their direction with a shot gun and set his dogs after them, following them for about a half mile along an old "woods road."

On the next day I saw the tracks of the dogs and those of the two men and followed them. I believe the men were Allen and Edwards.

A few days after this occurrence, "Sugar" Smith sent me word about midnight that Sidna Allen had been at his store on top of the mountain at Willis Gap and asked for food, but that he had none left, as he had sold all his stock.

Phaup, Lucas and I took the bloodhounds on our saddles and rode to Smith's store, which we reached about daylight, when we put the dogs on the trail.

The dogs followed the trail for about two miles when they lost it in the burnt woods.

Sidna Allen told me afterwards, while in jail at Roanoke, that we were "after him" on that day, being within a mile and a half from him and Edwards. That both he and Wesley Edwards saw us with the hounds and that he then said to Edwards, "We'll have to leave."

I left my men and rode into the mountains alone for about a mile and searched the houses belonging to two of Sidna Allen's kin. One of them was a neighbor moonshiner named Allen (he told me he was running a still) and the other was a cousin of Sidna by marriage.

Our entire squad of men were worn out, as were the horses, but we were determined in our intention to work out every clue that might lead to a capture. We believed that if we could only get them "started" and on the run out of these mountains we could catch them by another class of work, and after events showed this view to be correct.

A few days prior to the raid, we had raided through a mountain on the old Volunteer Gap road, and arrested a man by the name of "Deck" Allen, who was a cousin of Sidna Allen, and who had the reputation of being a notorious thief and moonshiner. We put him through the "third degree," but finally released him with plain threats as to the kind of reward he would receive in case he was found guilty of any evil doing in the future. It seems that our admonition proved effective, as it is said he has

reformed, much to the relief of neighbors in the vicinity who raise fruit, hogs and chickens.

While searching this mountain, Lucas and I ascended to the top and got into a fog which was so dense that we could not see one another six feet distant and had to wait for an hour or more until it became somewhat clearer before attempting to descend.

The descent was a difficult and dangerous one, as the mountain side was almost perpendicular and full of crevices and holes. Besides, the surface was "shaly," and when a loose rock was dislodged it would slip out of sight into the fog and start numerous others, big and little, rolling down the mountain side.

We fired our signal for getting together (two shots) and finally met the others of our squad at the foot of the mountain.

We then raided and searched in the direction of the North Carolina line, getting but one very light meal that day, with no rest for man or beast in twenty-four hours.

During the entire night following, we continued to raid the country. There was no rest taken. The men would drop to the ground, half dead from exhaustion, but by the time they were asleep a scout would come in with the message, "Saddle up and keep quiet. Think something doing." It was fearful work. On April 14th, we received word that two men answering the description of Allen and Edwards had been seen on top of Fisher's Peak.

John Faddis, John Parsons, Cunningham and I left Galax at one o'clock P. M., and ascended the peak on the west side, reaching the top at about five o'clock P. M.

This peak is 3,912 feet above sea level and is approached

on the west side by an ancient trail for men or horses. The view from its top is grand, and the country on every side can be seen for a distance of twenty-five miles. We had phoned to the other men, under Phaup at a point near Floyd Allen's home, fifteen miles from the peak, to meet us on the top and bring the hounds with them.

They arrived shortly after we did and we tied the horses together and sent them back to the foot of the peak at "Toe Nail Gap."

Spreading out, we started on foot down the southeast side of the mountain and searched it thoroughly. The dogs gave tongue on the trail, but a heavy rain began to fall and "put out" the trail.

We worked down to the foot of the peak and found three "still" places in one ravine.

We came together at the foot of the peak just as darkness came on and signalled for our horses to be brought to us. We rode into Lambsburg, arriving there at ten o'clock that night, utterly exhausted.

On the next day we rested until about noon and then scattered and scouted in the pouring rain for the remaining part of the day. On the following day we went in to our headquarters near Floyd Allen's house and slept all day.

During the following day, Albert Baldwin, Lucas and I paid a visit to Jerry Allen's widow (his second wife) who is living with some people near Lambsburg.

We found her to be a very old woman (nearly ninety years of age) but bright and intelligent and still showing evidence of having once been beautiful. She talked with us very frankly and with every indication of honesty, telling

us many anecdotes about her step-sons, one of which is as follows:

"My man (Jerry Allen) owned his farm to his death, but had got mighty poorly. Jack (Allen) has always been a good, kind son to me, and is a mighty lot of help to me now. Sidna and the rest never done nothing for me.

"Not long before the old man (Jerry) died Sidna and Garland (the preacher) got to plottin' to get his property, and got after him to sign it over to them. He wouldn't do it, so one day Sidna come over. He laid around a day or two, poutin' and mad and sulky, and one day Garland come over and him and Sidna went around the house and got to talkin' together.

"Me and the old man was out on the front porch when they come around and Garland grabbed the axe from the wood pile and started at his pappy. I started to git between them when Sidna drawed a gun on me and rammed it into my breast and pushed me back into the house. We had a big dog and he was under the house and when Garland aimed to hit my old man with the axe he run out from under the porch and grabbed his arm and bit him and then jumped on Sidna. I was hollerin' and they run off then, but they aimed to kill him.

"They was both always mean and had tempers, but Jack was good to me and his pappy."

We gave Mrs. Allen some little presents and some tobacco and departed, feeling as though we had listened to a tale from the dark ages, but looking at this sweet-faced old woman, and listening to her simple story, we could only feel that she was uttering truth in all she spoke.

After a few more days of scouting and raiding, we became

convinced that the fugitives had escaped from the mountains and left that section of Virginia.

People whom we had never known to be away from their homes since the Hillsville tragedy occurred began to travel over the roads, and on meeting with us would stop and talk freely and without the plain but furtive expression of fear on their faces of perhaps being watched by those whom they most feared. Everyone seemed to show a feeling of relief and one day during our councils, Phaup and I decided that the fugitives had gone from that part of the country and that further search was useless.

Our men were then gradually dropped out of service. Phaup left after a few more days of useless scouting, during which time I arrested Jordan Edwards and jailed him in Hillsville for giving succour to the fugitives, and caught a man on his way to him with a few crude instruments to effect his release.

I left Hillsville on April 27th, leaving a few men scattered through the district in charge of Albert Baldwin, and with a secret-service man on the case (our own secret service).

Time passed on until the day set for the first trial held at Wytheville. Floyd, Friel, and Claud Allen and Sidna Edwards had been arraigned at Hillsville and a change of venue granted to have the trial take place at Wytheville and the prisoners were taken to Roanoke and confined in the jail there to await trial.

On April 23d, Floyd Allen, Victor, Friel, and Claud Allen and Sidna Edwards were in jail at Hillsville, after having been arraigned in the Hillsville court, preparatory to being taken by wagon to Galax, fifteen miles distant,

and from there to Roanoke over the Norfolk and Western Railway. Wesley Smith, a "bad" man from the Grease Creek section of Carroll county came to the jail and got troublesome, acting as if drunk and being disagreeable generally. I arrested him and placed him in jail, from which he was shortly afterwards released. He continued his troublesome conduct, and finally Lucas undertook to arrest him again, whereupon Smith drew a large knife and attacked Lucas, striking at him savagely with it. Lucas threw up his arm to ward off the blow and caught the blade in his hand, cutting it severely. Lucas then struck Smith, knocking him senseless.

Smith has a bad record, having killed one man at Grease Creek, and stabbed another almost to death.

Cabell Strickland and his brother Dave, who are friends of the Allens, had been constantly threatening me with all kinds of dire treatment. These men were there. These two Stricklands got together a crowd of their kind, a species of "rough necks," and friends of the Allens, and assembled in front of the jail. Their actions were becoming more threatening every moment and I realized that the time had arrived for drastic action.

I therefore started with Cabell Strickland, whom I judged to be the ringleader, and thrashed him, after which I placed him in jail. As I came out, his brother Dave started for me and I knocked him down.

Cannaday, one of our men, then arrived with our rifles, when I gave the crowd thirty seconds to clear that street and leave town. They took their departure as directed, and did not use all of the prescribed time in doing so.

I then marched the Stricklands out of town, against

the protests of their lawyers. It was a dangerous situation for the time being, but we had the town cleared of the crowd in about five minutes.

The next morning at seven o'clock we started to Galax with the prisoners. It was a hard trip, due to the state of the roads and Floyd Allen's wounded condition, but we arrived at the railroad station at about noon and placed all of the prisoners on the train for Roanoke, in charge of D. O. Baldwin.

After I left the county, the "chase" settled down to a close watch of all points which it was suspected the two fugitives might visit, with little or no change worth noting. Sidna Allen and Wesley Edwards seemed to have vanished from the face of the earth.

Their homes, as well as those of all persons suspected of giving them aid, were kept under close and systematic watch, a detective working near by as a farm hand, and other means constantly being considered or adopted, but no clue was found as to the whereabouts of the men we were striving to capture.

Near the Fancy Gap and close to the home of old Jerry Allen, is situated the famous "Devil's Den," which bears a reputation in keeping with the name applied to the spot.

The top of the mountain at this point is flat, but it breaks very abruptly on the south side, and on that side at about a quarter of a mile below is the "Devil's Den."

It is an almost vertical shaft, approached by a rugged gorge full of large boulders and at no point can two men walk abreast, nor can a person at any point in this gorge see but a few feet in front, owing to the numerous rocks and the devious winding of the trail.

The opening, or mouth, of the shaft, is a fearsome spot, and the shaft descends for a distance of nearly seventy feet. It can only be entered by climbing down the trunks of small trees which have been felled and let down from shelf to shelf, their limbs being lopped off with a small portion projecting in order to afford a foot-hold on these improvised "ladders."

Numerous rooms branch off from this shaft and a stream of water flows through it. Swarms of bats inhabit these dark and gruesome chambers in the "Devil's Den" which curves through the mountains, the exit being from a hole in the ground near the Fancy Gap road.

This cavern was at one time a hiding-place for moonshiners and all classes of criminals. There are traditions among the mountaineers that many dark crimes have been committed and their evidences hidden in this horrible place.

Lucas and Jack Allen entered it and went through the passage on one of our raids, but at that time the extreme dampness of the place made it uninhabitable, except for the bats.

I saw it many times, and G. V. Buck's special photographer secured a good picture of it on one occasion, with Lucas and myself at the entrance—a feat of photography which I did not think possible.

On October 29th, I was detailed on special night guard at the Roanoke jail for Sidna Allen and Wesley Edwards, and went on duty that night.

The authorities had good reason for fearing an attempt to escape, and also believed that Allen might attempt suicide, knowing the temperament of those people.

Sidna Allen and Wesley Smith were both in the same cell, in the southwest corner of the second floor.

I had an excellent opportunity to observe and make a study of them at close range, as I was stationed within three feet of them every night in the little corridor between their cell and the outside wall of the building.

During the time I was on guard I made many efforts to induce them to tell of their movements while evading capture in the mountains of Carroll county, but Sidna Allen was uncommunicative and prevented Wesley Edwards from answering any questions regarding their movements at that time.

At times Sidna Allen was nervous, silent and sullen, but generally the smooth, suave and smiling Sidna the public found him. Our instructions had invariably been to "Treat them the best you know how," and I tried in every way to do so. I endeavored to gain their good-will by varying the jail food, but never succeeded.

Sidna Allen's eyes possessed a peculiar property—one that I have rarely observed among the thousands of criminals I have handled (I have made no less than five thousand arrests)—that of shining or "burning" in the dark, like those of a catamount, or wolf.

It was only at times that this was noticeable, and when observing it I often pondered over what thoughts must have been passing in his mind, and of the many times that same baleful light must have shone in his eyes when I, or some of my men, passed him on the mountains, as I did on one occasion within a distance of fifteen feet. His eyes are usually bright, smiling, and narrow looking, but when he is angry or sullen they are round, staring, and as

unblinking as those of an owl. He has the most cruel looking mouth I have ever seen except in the case of one other criminal.

On November 6th, we took the two men to Wytheville, and on the morning of the seventh, the trial of Sidna Allen for the killing of Judge Massie was begun by empaneling a jury, which, however, was discharged because some of the members disqualified themselves for service by talking about the case.

A second jury was afterwards secured from Grayson county.

After the evidence had been submitted, arguments were made by counsel for the commonwealth and by those for the defense, and the case went to the jury.

After remaining out until 6:30 P. M., on the day the case went to the jury, they found themselves unable to agree upon a verdict, and were brought back and sent to their hotel until nine o'clock A. M., the following day, being still unable to agree.

They reached a verdict the next day, November 22d and brought in a verdict of second degree murder, with a penalty of fifteen years in the penitentiary.

Attorney Wysor immediately stated that the commonwealth was ready to go into the case of Sidna Allen charged with the murder of William M. Foster. Judge Staples set the case for trial on December 2d, and ordered a venire summoned from several counties in the northeastern part of the state, notable Prince William county, Fairfax county, Albemarle county, Loudon county, and consisting of seventy-five men and the night of November 22d, we

returned with the prisoners to Roanoke and again placed them in the jail at that place.

On the next night I took up the weary task of guarding them, with Sidna Allen occupying his old cell and Wesley Edwards in a cell on the southeast corner of the same floor.

On December 1st, we again conveyed the prisoners to Wytheville and on the morning of the second they were taken to the court house, and the tedious work of empan-eling a jury was begun.

A jury was finally secured on December 3d and the opening arguments made by counsel on December 4th.

On the eighth Sidna Allen was put through another examination, and the closing arguments were made by the attorneys in the case. After arguments lasting four and one-half hours on each side, the case went to the jury, who retired to the jury room at 2:30 P. M., on December 10th.

At 1:19 o'clock of the afternoon of December 11th they reached a verdict of "Voluntary manslaughter," with a sentence of five years in the penitentiary.

Counsel for the commonwealth at once notified the court of their readiness to proceed with the case of the Commonwealth vs. Sidna Allen for the murder of Sheriff Webb.

The attorneys for the defense then held a consultation and proposed a compromise, which was finally reached, Sidna Allen pleading guilty and receiving a sentence of fifteen years more, making thirty-five years in all, as he had previously received a sentence of fifteen years for participating in the murder of Judge Massie.

Francis Cocke, one of the attorneys for Wesley Edwards,

then proposed a compromise in the case against him, which was finally reached, and he received a sentence of twenty-seven years in the penitentiary.

We left Wytheville with the prisoners at 8 o'clock P. M., December 13th and reached Roanoke about midnight and I spent my last night in the Roanoke jail with Sidna Allen and Wesley Edwards. The guards from the States Prison arrived early the next morning and took them away from the jail in chains.

Immediately on their departure from Wytheville their demeanor changed. All suavity and smiles disappeared from their faces, and they applied to Lucas and myself all the villainous epithets and obscene remarks they could utter, and continued to do so until they were placed in the cells at Roanoke. No account was taken by them of all the acts of kindness we had extended to them and to their families during their incarceration.

But their attitude and actions towards us were just what we expected, and with a sigh of relief we saw the door of the railroad coach close on them the next morning, nine months from the day the Hillsville tragedy occurred.

Never before, during seventeen years of service as an officer, have I handled as cold-blooded and calculating a set of men, or any so totally destitute of gratitude. I make this statement after a cool, unbiased study of them covering many months of varying conditions and circumstances.

“EDWIN CHANCELLOR PAYNE.”

CHAPTER V

It is perhaps hard for the general public to understand, or fully appreciate the nature of the task undertaken by the Baldwin-Felts Detective Agency, in effecting the capture of the members of the Allen clan who participated in the Hillsville tragedy on March 14th, 1912.

From that date until the capture of the last of the men responsible for the death of the court officers and the members of the jury, the whole section of mountainous country adjacent to Hillsville had been searched and all roads and trails guarded. Suspected places and persons were placed under strict surveillance and every possible precaution was taken to prevent the escape of the men hidden in the mountains.

The section of country in which the Baldwin-Felts posse was compelled to work, is one of the wildest and most difficult to penetrate that can be found in the Blue Ridge range, part of it being a veritable wilderness. The men for whom they were hunting had been raised in these mountains, were familiar with every road or trail leading through them, knew every habitation, out-building or nook where a hiding place could be had, and rarely moved about except at night, concealing themselves during daylight.

They had many friends and relatives living among the ridges, and those from whom information might have been secured as to their whereabouts were either afraid to give

it, or were in sympathy with the Allens, who were kept warned whenever possible of the movements of the posse who were searching for them. They were known to be well armed and supplied with plenty of ammunition, and it was believed they would attempt to ambush some of the parties searching for them; or, that they might fortify themselves in one of the many rocky fastnesses common to that mountainous country and fight to a finish. It was desperate and perilous work and those engaged in it were subjected to hardships of every character, as the season of the year throughout which the man-hunt was made was one during which snow and rain were almost constantly falling, and roads and trails were nearly impassable.

Couriers were not permitted to carry rifles, but were armed with revolvers, as it was feared that they might be ambushed while traveling alone, and the fugitives thereby come into possession of high-power, long-range rifles. Each day during all the time the posse was in the mountains searching, the couriers had to ride a distance of twenty-five miles in order to carry reports from the officers at Hillsville to and from the point where Phaup was stationed on the Fancy Gap road, near the North Carolina line, and that at which Payne was stationed, on the Willis Gap road, about three miles from the state line.

Besides, practically every raid was begun necessarily at night and much travel was done in the darkness in order that the movements of the various searching parties might not be communicated to the Allens by friends or sympathizers.

Under these circumstances, the "field work" was conducted which resulted in the capture of three of the fugitives, the other two having escaped from the country and gone to Iowa.

The Baldwin-Felts Detective Agency sent out thousands of letters, and clues of every description were followed up for two months after the captures made in Carroll county, and until Sidna Allen and Wesley Edwards were found and captured in Des Moines.

Besides this, the prisoners had to be guarded, duties in connection with the trials required attention, the prisoners had to be transported from Hillsville to Roanoke, and from thence to Wytheville, where the trials were held; and in addition to this a strict watch was kept over friends of the Allens in order that there might be no possibility of a repetition of the Hillsville tragedy during subsequent trials.

The office work included sending out seventy-seven thousand photographs which were mailed to every point in the civilized world from March 14th to September 14th, the latter date being the one on which Sidna Allen and Wesley Edwards were captured.

Three hundred and twenty-seven clues were investigated, most of them by mail, but the agency actually sent out men and ran down eighty-three different clues, each of which seemed to give promise of developments.

The work in connection with these clues frequently necessitated journeys to cities and towns at a long distance from Roanoke, but no effort was spared whereby Sidna Allen and Wesley Edwards might be apprehended and brought to justice.

Shortly after the arrest of Friel Allen, most of the Baldwin-Felts force was withdrawn from the mountains, leaving only a small number of men under charge of E. C. Payne and W. W. Phaup, pursuing such tactics as they felt might be productive of results.

During the last days of July they reported that they were certain Wesley Edwards had been in the vicinity and that a young woman named Miss Maude Iroller, living on the Mount Airy road about three miles from Edwards' home had been in communication with him by mail.

Miss Iroller's home had been constantly watched, and her actions kept under strict surveillance, as it was known that she was Wesley Edwards' sweetheart.

Shortly after the secret service men reported that they believed Wesley Edwards had visited the locality, Miss Iroller stated that she had lost fifty dollars, but the money was subsequently found. It was then decided to watch carefully every movement made by the Iroller girl.

About September first she began to talk of a visit she intended to make to friends in High Point, North Carolina, and on Wednesday, September 11th, she left home for that place.

On arriving at Mount Airy, she boarded a train for Greensboro, North Carolina, changing cars at Walnut Cove, and proceeded to Roanoke, Virginia, where she arrived on the night of the same day.

While in Roanoke she made the acquaintance of a young man who was going west, but who had to remain there until the next day in order to take a train which would carry him to his destination.

The young man with whom she became acquainted was detective H. H. Lucas, of the Baldwin-Felts Detective Agency.

Oscar Monday, who was also detailed to watch the Iroller girl kept out of her sight, as she knew him, and would doubtless have been suspicious of being watched had she seen him.

On Thursday, September 12th, Miss Iroller left Roanoke on Norfolk and Western train No. 3, bound for Chicago.

Lucas left Roanoke on the same train, riding in the same coach in which Miss Iroller was seated, and in a Pullman car on the same train were W. G. Baldwin and Oscar Monday. Detective Lucas had sent a code message to W. G. Baldwin at Roanoke, advising him as to what had transpired.

It was subsequently learned that Wesley Edwards, after escaping with Sidna Allen from the mountains in Carroll county, and going to Des Moines, had actually returned to Virginia and paid a visit to the Iroller girl and to his own home.

That he had given Maude Iroller the money necessary for her expenses to Des Moines, and had also gotten a pearl handled 38-caliber Smith and Wesson revolver belonging to Sidna Allen and took it with him to Sidna Allen on his return to Des Moines. W. G. Baldwin, one of the principals of the Baldwin-Felts Detective Agency, kept Miss Iroller under close watch throughout the trip from Roanoke to Des Moines.

The train arrived in Chicago at five P. M., on the evening of September 13th, and left for Des Moines, Iowa, at six P. M., which was Miss Iroller's destination. This

date was exactly six months from the time Floyd Allen and his brother Sidna left the court house at Hillsville to ride to their homes on the evening preceding the morning of the Hillsville tragedy, March 14th. On arriving at the Union station in Des Moines, early the next morning, Miss Iroller inquired how she could reach a boarding house kept by a Mrs. Cameron, located at the corner of Eleventh and Locust streets.

Miss Iroller walked up Locust street five blocks, until she came to Eleventh street and located the boarding house, detectives Baldwin and Monday shadowing her carefully. When the girl reached Mrs. Cameron's porch, detective Lucas was just entering the door, as Mrs. Cameron had met him and rented him a room. Mrs. Cameron's daughter met Maude Iroller and walked with her to a side porch.

W. G. Baldwin then came to the house with a telegram addressed to a Mr. "Thomas," and signed by Frank Iroller the father of Maude Iroller, stating that "his daughter had run away from home to marry a man living at Mrs. Cameron's, and that while he had no objections to the marriage, he did not want his daughter going over the country with a man until they were married."

Mrs. Cameron at once said that Joe Jackson, Maude's sweetheart, was out at the time, being at work, but that his partner, Mr. Sayers, was up stairs, and called to him, saying that Joe Jackson's sweetheart had arrived. Sidna Allen, who was known at the Cameron boarding house, as "Tom Sayers," came out of his room and was at once covered by Lucas with a revolver until Detective Baldwin got to him and also covered him with a pistol. Allen

looked at the officers fully a minute before he put up his hands and was handcuffed. Baldwin then called up the Chief of Police by telephone, who came to the Cameron house in an automobile, when Lucas and Monday, assisted by two of the Des Moines police force, took charge of the prisoner. Mr. Baldwin and the Chief of Police then searched the entire western part of the city from 10:30 A. M., to 4 o'clock P. M., but could find no trace of Wesley Edwards.

Mr. Baldwin then suggested that all street cars from the west end district be searched after work closed at five o'clock. They accordingly proceeded to Twenty-fourth street and Ingersoll avenue and began searching the cars at 4:45 P. M. Five cars had been searched and they had nearly finished going through the sixth (all being packed with men returning from work) when Mr. Baldwin discovered Wesley Edwards on the rear end of the car. Edwards saw him, sprang to his feet and made a dash for the rear door, knocking down several people in his attempt to escape.

The Chief of Police met him at the rear door of the car and seized him by the neck, while Mr. Baldwin had grasped him by the leg in the struggle. Mr. Baldwin placed his pistol against Edward's side, when he surrendered and was taken to jail and locked up with Sidna Allen. A train for Chicago was scheduled to leave within thirty minutes, and while one of the detectives went to the Cameron boarding house for Miss Iroller and the prisoners' baggage, the others took the captive men to the railroad station.

On being joined by the detective with Miss Iroller, the

seven P. M., train for Chicago was boarded, and that city reached on Sunday.

The pistols belonging to Allen and Edwards were found in their suit-cases, and they were unarmed when captured.

Both men had been working in Des Moines, and were earning good wages. Sidna Allen had joined the carpenter's union under the name of "Tom Sayers," and had a union card in his pocket bearing that name when arrested.

Large crowds met the train at stations during the entire journey from Des Moines to Cincinnati. At Cincinnati the crowd was so dense that the officers had great difficulty in getting to the street cars with the prisoners.

They arrived in Roanoke at about noon on September 16th, and went to the Baldwin-Felts office where they remained until one o'clock, when they were taken to the Roanoke jail in an automobile, guarded by detectives Baldwin, Lucas, and Monday.

Sidna Allen immediately wrote to his wife regarding plans for securing attorneys to defend him at his trial.

The arrest of Sidna Allen and Wesley Edwards in Des Moines on September 14th, terminated a chase which had lasted for exactly six months from the day of the Hillsville tragedy.

Sidna Allen and Wesley Edwards were taken to Hillsville on September 22d and arraigned, and then returned to Roanoke and placed in jail.

Their trial after one continuance, was set for November the 7th, and E. C. Payne was detailed as special guard for Allen and Edwards, in the jail at Roanoke, spending each night within a few feet of them, in the space between their cell and the wall. On November 6th, they were

taken to Wytheville for trial under guard of Ernest Baldwin, Lucas, Hartigan, Stiff and Payne, placed in jail there, and on the next morning taken to the court house in charge of Payne and Lucas.

A jury had been summoned from Giles county, and after two days of weary questioning during which sixteen men were selected from the venire of fifty, they were dismissed, having disqualified themselves through talking about the case. Another venire was then summoned from Grayson county, the prisoners being kept guarded day and night by detectives and by the jailer, Samuel Hurt.

On Monday, November 11th, a jury was secured from the new venire, and the case was opened, that day, the prisoners being charged with the murder of Judge Massie.

The commonwealth opened the case at about eleven o'clock the next morning, with Judge Bolen on the stand as a witness.

Judge Bolen's evidence was clear, direct and convincing. It was, in substance, as follows:-

"I was Floyd Allen's attorney, and Mr. Tipton was my associate; and on the morning of March 14th when the jury came in with the verdict giving Floyd Allen one year in the penitentiary, was with Allen in the bar. I said to him: 'Take it quietly, Floyd, there's a brighter day coming for you.' "

"He replied, 'I'm going to take it 'cam,' but I hate it on account of my two boys.' I then made a motion for a new trial, on the plea of after-discovered evidence, and the judge agreed to give us a hearing on the next morning.

"As we needed a witness from the country for the purpose of an affidavit, I turned and beckoned to Claud

Allen, who was standing in the northeast corner of the room. He came within the bar, where his father, Floyd Allen was sitting, and talked about which horse he should ride. I turned from them and paid no attention to the further conversation which they held and which I did not hear.

“Then Judge Massie, having refused a motion for bail pending the hearing for a new trial, asked me if there was anything else we wanted to say in connection with the case. I replied: ‘No, sir,’ and Judge Massie then said: ‘Mr. Sheriff, take charge of the prisoner.’ Webb started forward. Floyd arose and said: ‘Gentlemen, I just ain’t goin’,’ and began to fumble at his sweater. He reached to one side, and then to the other, and then reached down on the side next to me, and I saw the gleam of a pistol.

“I looked first to Victor Allen as I had always regarded him as a peacemaker and then looked at Claud Allen, who was standing in the northeast corner. As I looked at Claud Allen, I saw him in the act of leveling a pistol at Judge Massie. I saw the smoke and spray from the pistol as he fired, and saw the lint fly from Judge Massie’s right shoulder as the bullet struck him. Judge Massie shivered as the bullet struck him, turned and looked toward the north wall, and began to sink in his chair. A second shot followed from a point to the right of where Claud Allen was standing and its smoke covered Judge Massie’s person. I could not see who fired the second shot, but immediately Sidna Allen emerged from out of the smoke, with a pistol in his hand and with Claud Allen by his side,

both advancing in the direction of the court officers and firing rapidly upon them.

“First there was one shot fired, then after a short interval the second shot was fired, then a ‘batch’ of shots almost instantly. I turned and looked towards the northwest corner door and saw Wesley Edwards advancing and firing rapidly in the direction of the officers. Then the shooting became general, and I found myself between the two lines of fire. I dropped to the floor and got partly under a bench, and after a few seconds Floyd Allen fell down upon me. I said: ‘For God’s sake get off me, or they will kill me in shooting at you,’ and after a while succeeded in getting from under him.”

This evidence is substantially the same as was given by Judge Bolen in the seven trials held in the Allen cases, in all of which he testified as a witness.

His testimony was corroborated by that of seventeen other witnesses as to the fact that the first shots were fired from the northeast corner of the court room, and by several witnesses that Claud Allen fired the first shot.

When Dexter Goad was placed on the witness stand as a witness for the prosecution, he testified that he was a native of Carroll county and had been elected to the office of the court for a second term, and that his relations with the Allens were friendly so far as he knew. That he had armed himself with a 38 automatic pistol in consequence of having heard of threats being made by Floyd Allen as to what he would do in case he was convicted at his trial during the March term of court. That after Judge Massie had directed Sheriff Webb to take charge of Floyd Allen after his sentence, he saw Sheriff Webb ad-

vance a step or two in the direction of Floyd Allen who arose from his chair and began to fumble at his sweater.

That about that time he heard shots fired from the northeast corner of the court room, and he then stepped down from his desk to the floor of the bar, and tried to draw his pistol, which he had in a holster in the inside pocket of his vest, but the pistol hung in the holster.

That while attempting to draw the pistol he went in an oblique direction to a point near the stove located near the south wall, and after some delay succeeded in drawing his gun from the holster, but before doing so he was shot through the cheek, the bullet coming out at the back of his neck and tearing away the rear collar button of his shirt.

That Sheriff Webb had fallen to the floor before he, Goad, began to shoot. That he fired four shots while in the court room, all of which he aimed directly at Floyd Allen. That his pistol then hung fire, when he stepped back towards the jury room, and some one then handed him a revolver.

That he did not recall seeing Sidna Allen, or any of the other Allens shooting in the court room, except Floyd Allen, but heard shots fired from the northeast side of the room.

That he then went down stairs to the south steps where he saw Sidna Allen pointing a pistol at him, and that he fired at Sidna Allen and continued to fire at him until he emptied the cylinder of his revolver.

On the morning of May eleventh, Floyd Allen was placed in the witness chair with a pillow to support his injured leg.

After being sworn he stated that he would be fifty-five years of age July 5th, 1912 and that he was born in Carroll county where he had spent his entire life, and that his father had been born in Carroll county and had lived there until his death, excepting for the four years during which the Civil war lasted.

He stated he had held several "little offices" in the county, namely, constable for Fancy Gap district, county supervisor, and deputy sheriff. He stated that Sidna and Wesley Edwards came to his house after the trouble they found themselves in on account of disturbing worship of a religious meeting and asked him to become security for their bail. That they stated they had no money to employ counsel and that as he was "down sick" he advised them to leave the country and secure work until he could look into the matter, and that the Edwards boys accordingly went to Mount Airy, North Carolina.

That he had not seen the commonwealth's attorney, but that he had contracted to go to Hillsville as soon as he was able, and give bond for Sidna and Wesley Edwards' appearance at court. That he had been to Hillsville to engage counsel for them and while returning to his home met them in custody of "Pink" Samuels, a deputy sheriff, who had gone to North Carolina and arrested them without requisition papers. When asked if any one was hurt in the fight which then occurred, he replied: "That's been the report all the time."

That after he had been indicted for his participation in releasing the Edwards boys from custody of Deputy Sheriff Samuels he had always assured the court he was

ready for trial and had given bond in the sum of five hundred dollars for his appearance.

That he stayed at Sidna Allen's house on the night of March 13th, and when he rode into Hillsville on the morning of Thursday, the 14th, he was told: "They are calling for you at the court house." That he rode quickly to the first convenient hitching place where he left his horse and hurried to the court house.

That he thought the jury was out when he arrived but that he was in the court room when they brought in their verdict. That his attorneys made a motion for a new trial, and that Judge Bolen made a motion to call Victor but probably made a mistake and called Claud. That on asking Judge Bolen about sending for Mr. Dawson and H. T. Rigney, who were desired as witnesses, Claud asked which horse he should take and that he, Floyd Allen, told him to take Mary, the mare he had ridden into town, as she was saddled and bridled, and that there was nothing secret about their conversation.

Floyd Allen testified that when he said he was not going anywhere, he meant he would not go with Dexter Goad, the clerk, but that he intended to go peaceably with Sheriff Webb.

That he had been sitting with his right side towards Goad, and saw him look at Sheriff Webb and wink, and that Goad then brought up a pistol from his pocket so that he, Allen, could see it. That he then arose and said: "I ain't goin' nowhere with you, Mr. Goad," and that Goad then fired at him, but that the sheriff fired a little sooner than Goad did, and then Goad fired a second time and "numbed his leg," when he fell to the floor, after which

Goad fired at him while he was down. That he saw Sheriff Webb fire but once, and did not see him afterwards but that he heard half a dozen shots fired after he fell to the floor.

That as he fell he was feeling in his hip pocket for a small "pocket gun" he was carrying, and that after he pulled it from his pocket the pistol exploded, one shot being fired "straight up" and the second "sorta slantin' up." That he half straightened up and saw Quesenberry the deputy treasurer firing at him with a pistol through the railing of the judge's stand, and that as he arose Quesenberry shot him in the right hip. He then fired back twice at Quesenberry. That he saw three pistols pointed at him through the railing and when he arose to his feet he was facing Dexter Goad. That he turned, throwing his left side towards Goad. That he was shot in the left side and thought the bullet was a 38 but never found it, nor did he find the one which struck him in the leg, but found one large bullet in his underclothes near a blue place on his left thigh.

That he left the court house and went down the steps next to the Thornton (Texas) House, when he saw Dexter Goad at the front of the other steps.

That he had dropped his pistol, or it had been knocked from his hand in coming in contact with the door on his way down, and when he met the Edwards boy with a pistol in his hand he said to him: "I am shot bad, have you got any gun? I didn't see his gun, because the side he had it on was away from me. He turned, and I jerked the gun out of his hand and went on down towards my horse."

That he saw Dexter Goad and one or two others coming

down the left side steps, and that he was shot in the left knee by one of them. That he thought Goad fired the shot which wounded him in the knee. That the first shot Goad fired at him on the green spattered the mud in the street and the second struck him in the knee. That Goad then turned his gun on Sidna Allen and that two other men were also firing at Sidna Allen.

That he, Floyd, then turned and fired at Dexter Goad and "tried to hit him." That he then hopped across the street and asked someone to get his horse for him. Floyd Allen swore that he had not pointed his pistol at either Sheriff Webb or Commonwealth's Attorney Foster in the court room and that he did not see either of them after the first shot was fired, and that he fired exclusively at Quesenberry because Quesenberry was shooting at him.

That he was sure Goad had stepped down to the lower steps at the beginning of the fight. That he had not shot at Goad while in the court room nor had he fired at either Juror Faddis or Juror Cain, nor had he fired at Juror Early while in front of the court house.

That Sidna Edwards did not reload his pistol for him on the street, and that he had no extra cartridges in his pocket.

That his own pistol is a 38 hammerless and shoots lead cartridges, not steel covered bullets. That he had never seen anything resembling a steel breast plate or armour, and that while the chamber of his pistol would hold six cartridges he generally loaded it with but five in order that there might be one empty chamber for the hammer to rest on for safety, and he supposed it contained five cartridges on the day of the shooting.

When Floyd Allen was found guilty and a verdict brought in by the jury May 13th, and their decision announced, Floyd Allen's face showed no signs of emotion. He twirled his gray mustache and showed no quiver of an eyelid nor tremble of a finger. His wife was sitting beside him, upright in posture for the first time during the trial. Her face was like white marble and as colorless and still, and there was no twitching of features and no tears.

Jack Allen and Garland Allen, brothers of the convicted man, were seated a few feet from his right, and were grave and calm with faces also impassive. Garland Allen occasionally turned his face towards Floyd, yet tugging at his mustache, but made no other sign.

All proceedings were quiet, decorous and formal, there being no excitement in the court room, nor a tear or a symptom of nervousness anywhere.

Judge Staples overruled a motion for a new trial, stated that every doubtful point had been settled in favor of the defendant, and that he would postpone sentence to some time later in the term so as to give other defendants the opportunity to use the prisoner as a witness. He then thanked the jury for their patience and endurance throughout the trial and stated that the State appreciated their services. He then ordered the jury discharged and the members crowded out together with feelings of relief after their long and arduous duties.

In his remarks before overruling the motion for a new trial Judge Staples said that he sanctioned the verdict, which seemed to him to be required by the evidence. By a coincidence, the weather on the day Floyd Allen was

convicted, May the 17th, was almost identical with that which prevailed on the day of the Hillsville tragedy, March 14th; dark, lowering clouds; cold, with promise of slow, chilly rain or snow.

Before leaving the court room after his conviction Floyd Allen leaned over and kissed his wife, pallid and cold and enveloped in black.

When she went to the jail to tell him good-bye before she left for their home in Carrol county, he allowed his tears to flow. Like the other Allens, he always has been a faithful and considerate husband. Throughout his testimony Floyd Allen repudiated the statements that he bore any ill-will against Judge Massie, Sheriff Webb, or Commonwealth's Attorney Foster, and denied having made any assertions that he would wreak vengeance upon officers of the court or jury in case of his conviction. He asserted that he had been treated fairly by Judge Massie prior to the trial and had been admonished by the judge not to carry a gun as it would likely be seen and cause him to get into trouble.

He stated that there had been bad feeling between himself and Dexter Goad, the clerk of the court, and that Goad was responsible for the fact that he refused to be taken to the jail and was the cause of the shooting which took place in the court room.

When Claud Allen was placed on the witness stand in his own defense, on May 29th, he testified as follows:

That he was six feet one and one-half inches in height and weighed one hundred and eighty-six pounds.

That he was twenty-two years of age and was educated at Fairview and at a business college in North Carolina.

He said he did not have a pistol in his possession until Victor Allen, his brother, left one on the table in their room in the hotel, on the morning of the shooting. That he picked it up for fear someone would take it in their absence.

He went to court alone and that, as he entered the court room, he saw Victor Allen on a bench near the door.

He stated that when Floyd Allen, his father, arose from his chair he saw Dexter Goad with a pistol raised in the direction of Floyd Allen and that he then reached for his own pistol.

That his uncle, Sidna Allen, fired just about the time Dexter Goad fired, and that the next shot was fired by himself at Dexter Goad, and he followed it by three more shots aimed at Goad's head.

He claimed he did not shoot at Judge Massie, and that, if a bullet from his pistol struck the judge it was by accident, as he had no malice against him.

That he was standing about six or eight feet from the northeast corner and about four feet from Sidna Allen and rather in front of Judge Massie when he shot at Dexter Goad. That he did not see Judge Massie sink down in his chair, as he was looking at Goad.

After shooting at Goad his pistol hung, when he got behind Sidna Allen and put his gun in a holster and left the court room.

He saw his uncle, Sidna Allen, reload his pistol as he jumped behind him in the court room.

That he again drew his gun from the holster while in front of the court house, as he saw some one shooting in his direction, and fired one shot in return.

That, in leaving in Hillsville, he went with his uncle Sidna to his store and procured more cartridges.

That he then left Sidna Allen and had not seen him since.

The evidence given by Sidna Allen in his own behalf, when placed on the stand as a witness by the defense during his trial was, in substance, as follows:

That he was forty-six years old and had lived in Carroll county all his life, had been married twelve years, and his occupation was that of a farmer and merchant.

That his place of business was six miles south of Hillsville, Virginia, and that he was in attendance at court each day the March term of court was in session, having been summoned as a witness, and also being under bond to to answer an indictment in the same case for which Floyd Allen was being tried.

That after the adjournment of court Wednesday evening, March thirteenth, he went home and Floyd Allen accompanied him.

That the roads were muddy and in bad condition generally, as it had been raining and, as Floyd Allen's home was over seven miles beyond his place, across the Blue Ridge Mountains, Floyd spent the night with him.

That he and Floyd spent the evening in Sidna's kitchen after supper before retiring at about half past nine or ten o'clock.

That he had no recollection of discussing, or hearing discussed during all that time, anything regarding the trial of Floyd Allen.

That he and Floyd over-slept themselves the next morn-

ing and were late in starting for Hillsville, reaching the town at about eight o'clock.

That after hitching their horses in the hitching lot Floyd went directly to the court house ahead of him, and when he entered the court room Floyd was sitting in the bar with Judge Bolen and Walter Tipton, his attorneys.

That he entered the room by the northwest door and passed close by the stove to a point about seven or eight feet from the judge's private room, which is situated in the northeast corner, and that Claud Allen was in the same vicinity near the judge's door, about three or four feet distant from where he, Sidna Allen, stood, and that neither of them stood on a bench.

That he entered into a conversation with a Mr. Moore about some work he wished Moore to do for him when the weather opened up in the spring.

That after the jury returned to the court room and rendered their verdict in the case against Floyd Allen, he saw Judge Bolen beckon to Claud Allen to come where he and Floyd were sitting.

That Claud passed him and went into the bar where he began a conversation with Judge Bolen and Floyd, which lasted for a very short time. That Claud Allen then left Judge Bolen and Floyd and passed by him, but that he did not notice where Claud went.

That he heard Judge Massie say to the sheriff, "Take charge of the prisoner," and saw the Sheriff advance a step or two, when Floyd Allen arose and began fumbling at his sweater.

That he then heard a pistol shot ring out, but that he did not know from whence the shot was fired, but the firing

of the shot caused him to look at Sheriff Webb and Dexter Goad, and he saw that they had their pistols leveled at Floyd.

That after Webb and Goad had fired several shots each at Floyd, he turned his gaze to where Floyd had been standing, but could not see him.

That he then looked again at where the court officers stood but did not see anything of Sheriff Webb, but that Goad had moved from where he was standing south and west to a point in the direction of the stove.

That Goad fired at him, Sidna, once, and that he then drew his revolver, a 38 Smith and Wesson, from his left hip pocket, being left-handed, and returned Goad's fire, shooting at Goad five times, the whole distance across the bar.

That after he had fired the five shots, he dropped down on his left knee, ejected the shells from his revolver and reloaded it.

That the firing had then ceased and he started to leave the court room by the northwest door, and as he was going out someone fired at him, who he thought was Deputy Sheriff Gillespie and that he turned and fired one shot at Gillespie.

That he then went down stairs to the court house green, where he saw Floyd Allen.

That as he neared the south steps of the court house but had not quite reached them, he heard firing, and looking toward the court house steps saw Dexter Goad on the steps shooting at him. That he returned Goad's fire, shooting twice at him, and the firing ceased, and he stopped shooting.

That the only shots he fired, either while in the court room or on the green, were aimed at Dexter Goad, with the exception of the one shot he fired at Gillespie.

That while he was on the court house green, Goad shot him in the left arm; and that the bullet penetrated the arm and lodged in his back, and that he still carried the bullet.

He denied making any exclamation about any person passing on the court house green and stated that he shot at no one while there except Dexter Goad.

That he then proceeded to Blankenship's stable, where the horses were tied, and met Floyd, Claud and Victor Allen and Wesley Edwards. That Floyd Allen mounted his horse but was taken sick and had to be lifted out of the saddle, and that he and the others then took their departure with the exception of Victor Allen, who remained with Floyd.

That Claud Allen, Sidna Edwards and he rode away together through private property for about a mile and a half until they came to the Fancy Gap road, and reached home some time before noon.

That he remained at home with his family until about ten o'clock that night, being informed in the meanwhile that detectives had been sent for and had orders to shoot him on sight. He then went into the mountains near the home of his brother Jasper, where he met Wesley Edwards and Friel Allen, and that they went to the house of a friend about two miles distant where they remained until the next night.

They then went into the mountains, hiding sometimes

in the timber, sometimes on the face of the mountain and sometimes in gullies.

That he and his companions saw the detectives frequently and at one time they were within fifteen feet of him.

That he and Wesley Edwards remained in the mountains over a month, and that provisions were furnished them by friends, who also gave them information regarding the movements of the detectives and told them of the arrest of Claud Allen, Sidna Edwards and Friel Allen.

That he and Wesley Edwards had no intention of leaving Virginia, but wanted to stay out of the way of the officers until the public learned how the trouble occurred, when they intended to surrender and stand trial, but after bloodhounds were put on their trail they concluded to leave the mountains if possible and remain away for a while.

Accordingly, they left the mountains, and boarded a freight train near Winston-Salem, riding on the bumpers of a car to Barbour Junction, from whence they walked to Salisbury, North Carolina, proceeding from there to Asheville by passenger train, thence to Knoxville and St. Louis to Des Moines, Iowa.

On arriving in Des Moines Sidna Allen assumed the name of Tom Sayers and Wesley Edwards that of Joe Jackson.

That he worked at the carpenter's trade, receiving very good wages until the time of the capture, September 14th.

The first trial was that of Floyd Allen and a verdict was brought in against him of guilty of murder in the

first degree May 16th, and on May 20th the trial of his son, Claud, was begun.

The same evidence was taken as in the case of Floyd Allen, and on June first the jury returned a verdict of guilty of murder in the second degree, with a penalty of fifteen years in the penitentiary.

When the verdict was announced in this trial of Claud Allen, there was considerable approval manifested by spectators, particularly by ladies attending the trial. Judge Staples promptly ordered the demonstration to cease, and directed the sheriff to bring any one before him guilty of a repetition and that he would punish the person severely. When the verdict was brought in at the conclusion of the later trial of Sidna Allen, a similar demonstration occurred and it received a like reprimand from the Judge.

On July 3d Claud Allen was placed on trial for the murder of Commonwealth's Attorney Foster, but a hung jury was the result, July 13th.

On the 18th of July another jury had been secured from Washington county, and on the 29th of that month they returned a verdict of guilty of murder in the first degree.

Claud Allen broke down and wept bitterly and his fiancée, Miss Wissler, who had been with him throughout the trial, also showed great distress.

On September 12th Floyd Allen and Claud Allen were sentenced to die in the electric chair on November 22d, and were sent to Richmond under prison guards.

On August 14th Friel Allen and Sidna Edwards plead guilty to murder in the second degree, and Friel Allen was

sentenced to fifteen years in the penitentiary, while Sidna Edwards received a sentence of eighteen years.

On September 4th, Victor Allen was tried for conspiracy in the Hillsville shooting, and some evidence was adduced showing he had a pistol in his hand in the court room during the shooting.

However, his previous good character, coupled with the fact that he said to Doctor Nuckols, on the day the tragedy occurred, in reply to Doctor Nuckols' remark: "This is terrible, Victor," "Yes, it's awful, doctor, but I had nothing to do with it and tried to keep the others out of it," is presumed to have made a favorable impression upon the jury, which brought in a verdict of "not guilty" on September 13th.

(There may be some misunderstanding as to how several men were tried and convicted in these cases for the murder of the same person. The law bearing on the question is that where one or more persons conspire to kill another, that any one of them, although only present, or aiding or abetting, or even though absent, is equally guilty with the one or ones who do the actual deed. Or, in other words, "The act of one is the act of all.")

Following is the text of Judge Staples' charge to the jury at the opening of court, May 17th, during the trial of Floyd Allen.

"Such is the magnitude of this case and the importance of your duties that I feel that I must send you back to your jury room with a few words of caution and advice.

"When a number of men are thrown into an intimate isolation for a long period of time with all their thought and attention centered upon one matter, there is a nat-

ural tendency to take different views and positions in discussing the matter which they are called upon to decide. This is not only natural, but it is desirable, if there is to be that frank interchange of ideas necessary to an intelligent co-operation and a satisfactory concurrence, but along with this tendency there is another tendency of the human mind, which is to fix deep-rooted in your own minds unwarranted opinion in your earnest effort to convince others—a tendency which if yielded to will destroy the very end you have in view.

“It is not your power of persuasion, the clearness of your views or the justice of your individual conclusions, or the firmness of your mind and will which you are here sworn to try and determine, but the issue of this case, which is guilt or innocence of the accused, and if you lose sight of that issue in any pride of opinion you have done wrong to yourself, an unintended violence to your solemn obligation and grave injustice either to the commonwealth or the accused. When you were selected and sworn to try this case the law, which stands indifferent between the parties, reposed in you the confidence that you would hear without prejudice the evidence, the instructions and the arguments in this case, that you would deliberate fairly and frankly with your associates and in all honesty, earnestly endeavor to reach a verdict consistent with your just convictions. If you clothe yourselves with fixed and settled opinions, if your mind is not open to fair and frank consideration of the honest views of your associates, if you are not willing to give their views the same consideration which you ask or expect them to give to yours, then you are mistaking ob-

stinacy for conscientious conviction and the confidence which was imposed in you has been misplaced and violated; you have fallen short of the measure of a broad and honest manhood and at your door lies a sad miscarriage of justice, either to the commonwealth or the accused.

“I am not ready to believe that any of you are men who can deserve such condemnation—it is easy to understand that the strain of your continued isolation may have led you to hasty conclusions taking to your minds the appearance of honest convictions. I should not and would not express or intimate any opinion as to the proper verdict in this case; that is left to you and you alone, but it is left to your patient, honest and frank consideration to the end that you may all of you come to a just and proper conclusion, not to an issue between yourselves of firmness or obstinacy.

“Now, gentlemen, I expect you to return to your jury room; begin anew among yourselves the discussion of this case; let your foreman act as the chairman over your deliberations; let one man talk at a time in due order until all have been heard and let him have the earnest, patient attention of the rest; let him speak with moderation and with frankness, seeking to discover the truth rather than to impress his opinion; when he has finished let each of you in turn question him with courtesy and honesty as to what has not been made clear or suggest to him where you approve and can sustain him—if you have difficulties upon any point make them known to your associates and ask their friendly help to overcome them; if you differ one

with another let it be in a manner friendly and frank, not marked with temper or irritation.

“In other words, meet one another as broad-minded, honest gentlemen, seeking to help one another to a proper verdict and from such deliberations a just conclusion must surely result.

“Let each of you diligently search his mind and conscience to see if he may not perchance be wrong and if you find that it is so, have the manhood and the courage to admit it.”

On September eleventh, Judge Staples had Floyd Allen and Claud Allen brought into court and sentenced them, fixing the twenty-second of November as the time for their execution. The prisoners showed no emotion during the sentence.

Floyd said he “did not mean to defy the law and hadn’t anything against them over there except Dexter Goad,” and added he was going to take his sentence “as best he could.”

The following are the remarks of Judge Staples in pronouncing sentence:

“Each of you has by a grand jury of your county been charged with the murder of four men and one woman as the result of one plan and purpose for the murder of one of those men. You have been separately tried and convicted.

“A court of justice, sitting for the enforcement of law and protection of society, has been in one brief moment almost destroyed. That this was done by you and your associates has not been and could not have been denied.

“The judge, a man pure in character and steadfast in

purpose, incapable of wrong toward any man, was shot three times, where he sat helpless and undefended. The attorney for the commonwealth, fearless in his vigorous prosecution of one of you, was shot five times. The sheriff, in the act of taking you, Floyd Allen, into custody, was shot six times, where he stood when your defiance of the law was uttered. The juror was shot as he sat in his seat. These four and a woman were the persons killed.

“A second juror was shot as he retreated and the clerk was shot very near to his desk. It was all done in less than a moment of time; done by you and your associates; done with a quickness and an accuracy of aim and action impossible to men acting under impulse or surprise. Yet the law, which has suffered so great an outrage, has, out of regard for her own inherent principles of right and justice, accorded each of you a patient and unbiased hearing, has extended to you every protection, has made available to you every safeguard, has yielded to you upon every point of doubt or possible mistake, has submitted the question of your guilt separately to juries of your fellow citizens who have heard with patience every statement and contention offered in excuse.

“The whole power of the commonwealth has been placed at your disposal to compel the attendance of each and every witness who might speak to any fact favorable to your defense.

“Your array of counsel, with ability excelled only by their untiring zeal and fidelity, have presented with force and eloquence, every fact or inference which might favor your vindication and with the result that as to each of you, twelve patient, honest, conscientious gentlemen have

unanimously concurred in the conclusion that there is no reasonable doubt as to any fact necessary to establish your guilt and that the acts whereby these honored and faithful officers of the law were destroyed in the discharge of their duty were of your plan, your purpose and your deliberate accomplishment. The evidence overwhelmingly sustains these verdicts.

“You, Floyd Allen, were in the custody of the law when, ordered to jail, you uttered your defiance of its authority, such a defiance as was never before heard in a Virginia court, such a defiance as must have stunned into inaction, every mind not prepared to anticipate it. Yet, without the least surprise or hesitation, your associates instantly began with you, this deadly work; began it with a promptness and pursued it with a persistency and effectiveness which, to every calm, unbiased mind, carries the unalterable conviction of anticipation and co-operation. Numerous other facts, clearly proven, confirm this conviction, but the elements of instantaneous and fatally effective co-operation, standing alone and of themselves, eliminate all reasonable doubt of a common understanding, of a mutual and felonious purpose.

“The facts relied upon for the excuse or mitigation of your conduct, have failed utterly of their proof. You have contended that the clerk of that court, while you were in its custody, endeavored to open fire on you. You failed to show any motive for such conduct on his part or to give any explanation why he should have done an act so utterly inexplicable and so necessarily fatal to himself. There is scarcely a scintilla of evidence to confirm the statement made by each of you. Yet, every rule of law

which would have been applicable, if your statement had been fully corroborated, was invoked and allowed for your benefit. Upon every doubtful question of law, you have each of you been favored; yet, the result is your conviction.

“It is by no choice, no will, no act of the jury or the court that this judgment has entered against you. The consequence of such conduct was by the law written long before that day of fatal action. That consequence was certain and inevitable to you unless a jury should have failed to ascertain the facts as they actually occurred. As your conduct was of your choice, so the consequence is of your own creation, and it is in reality your own hand which writes the judgment of this court. I am not saying these things to reproach or distress you. This hour is too solemn for you and me to permit any impulse of feeling to be entertained toward you except of the deepest sympathy. I want you each, to realize that no man has by his will or choice selected your punishment; that no man has done you wrong or dealt with you otherwise than as the law, to which all of us must yield unquestioning obedience, has demanded; that the judgment of this court is no man’s judgment; but is the judgment of the law and that I am but the mouthpiece of the law when I speak to you these solemn words.

“It is the judgment of the court that each of you be remanded to the custody of the sheriff of Wythe county, there to be detained until the superintendent of the penitentiary of this state shall come or send for you, when you will be taken to that prison and there, on the twenty-second day of November, 1912, within the hours, in the

manner and with the means prescribed by law, you shall each of you be put to death. And through your own sincere repentance and the mediation of our Saviour, may each of you receive mercy unto the measure of a full forgiveness."

This completed the trials of the men connected with the assassination of the court officers at Hillsville, except the trials of Sidna Allen and Wesley Edwards, who had escaped from the mountains and were not captured until September 14th, 1912, in Des Moines. Sidna Allen was first brought to trial on November seventh, for the murder of Judge Massie, and the jury after considerable delay brought in a verdict of murder in the second degree, fixing the penalty at fifteen years in the penitentiary.

On December 2d Sidna Allen was placed on trial for the murder of Commonwealth's Attorney Foster, and on December eleventh the jury brought in a verdict of "voluntary manslaughter," with a sentence of five years in the penitentiary.

Counsel for the commonwealth at once notified the court of their readiness to proceed with the case of the Commonwealth versus Sidna Allen for the murder of Sheriff Webb. The attorneys for the defense then held a conference and proposed a compromise which was eventually reached, Sidna Allen pleading guilty and receiving a sentence of fifteen years more, making in all thirty-five years, as he had previously been sentenced to fifteen years imprisonment for the murder of Judge Massie.

The attorneys for Wesley Edwards then proposed a compromise of the case against him, which was finally

done, and a sentence of twenty-seven years imprisonment in the penitentiary given Wesley Edwards.

This concluded the trials of those indicted for the murder of the court officers and members of the jury at Hillsville, March 14th.

RESUME OF THE INCIDENTS CONNECTED WITH THE HILLSVILLE TRAGEDY

March 14th, 1912, Tragedy at Hillsville occurred in which were killed or severely wounded, Judge Thornton L. Massie, Commonwealth's Attorney W. M. Foster, Sheriff Lew Webb, Jurors Fowler and Cain, and Rebecca Ayers, a witness. Baldwin-Felts detectives arrived in Hillsville the evening of the day on which the tragedy occurred.

March 15th: Juror Fowler died on this date. Attorney General S. W. Williams, and Judge Waller R. Staples, of Roanoke, came to Hillsville, by direction of the governor. Rewards were offered for capture of the Allens. Floyd and Victor Allen and Byrd Marion arrested and lodged in Hillsville jail.

March 16th: Eight members of the Allen clan indicted by special grand jury at Hillsville.

March 17th: Prisoners transferred from Hillsville to Roanoke jail.

March 20th: Civil suits entered against Allens by heirs of slain court officers.

March 22d: Sidna Edwards captured near Lambsburg, in Carroll county, by L. C. Felts and W. W. Phaup.

On same date A. A. Campbell appointed to succeed Judge Massie, as Judge of the twenty-first circuit.

March 24th: Sidna Edwards taken to Roanoke jail.

March 27th: Special Grand Jury indicts members of the Allen clan.

March 28th: Claud Allen captured in the mountains by detectives H. H. Lucas and E. C. Payne.

March 29th: Friel Allen captured by T. L. Felts and E. C. Payne.

March 31st: Claud and Friel Allen brought from Hillsville to Roanoke jail.

April 22d: Allen prisoners taken from Roanoke to Hillsville for trial. Cases moved to Wytheville and court decided prisoners must be tried separately.

April 30th set as date for court to convene.

April 24th: Allen prisoners taken to Wytheville.

April 30th: Floyd Allen placed on trial for the murder of Commonwealth's Attorney W. M. Foster.

May 1st: Jury empaneled to try Floyd Allen.

May 2d: Taking evidence in the case begun.

May 11th: Testimony of witnesses concluded.

May 13th: Arguments in the case opened.

May 16th: Jury brought in a verdict against Floyd Allen for murder in the first degree.

May 20th: Trial of Claud Allen for the murder of Judge Massie begun.

June 1st: Jury finds Claud Allen guilty of murder in the second degree and fixes the penalty at fifteen years in the penitentiary.

June 3d: Claud Allen placed on trial for the murder of Commonwealth's Attorney Foster.

June 13th: Jury unable to agree and discharged.

July 18th: Claud Allen again placed on trial for the murder of Foster.

July 29th: Jury finds Claud Allen guilty of murder in the first degree.

August 14th: Friel Allen pleads guilty and is given a sentence of fifteen years in prison.

August 17th: Sidna Edwards pleads guilty and receives a sentence of eighteen years in prison.

September 12th: Floyd Allen and Claud Allen, father and son, sentenced to die in the electric chair November 22d.

September 4th: Victor Allen on trial for conspiracy.

September 13th: Victor Allen acquitted.

September 14th: Sidna Allen and Wesley Edwards captured in Des Moines, Iowa.

September 16th: Prisoners brought to Roanoke and placed in jail.

September 22d: Prisoners taken to Hillsville for arraignment and returned to jail in Roanoke, pending trial at Wytheville, case being set for November 7th.

November 6th: Prisoners taken to Wytheville and placed in jail.

November 7th: Trial of Sidna Allen for the murder of Judge Massie begun. First jury from Giles county disqualified itself by discussing the case, and was discharged.

November 11th: New jury empaneled from venire from Grayson county and trial proceeded with.

November 18th: Sidna Allen took the stand in his own behalf and testified.

November 21st: Arguments opened in Sidna Allen case.

November 22d: Jury returns a verdict against Sidna Allen for murder in the second degree with a penalty of

fifteen years in prison. Case against Sidna Allen for murder of W. M. Foster set for December 2d and prisoners returned to Roanoke jail.

December 1st: Sidna Allen and Wesley Edwards again taken from Roanoke to Wytheville.

Dec. 2d: Trial of Sidna Allen for murder of W. M. Foster begun.

December 9th: Argument by counsel begins.

December 10th: Case given to the jury.

December 11th: Jury returns verdict of voluntary manslaughter and fixed the penalty at five years in prison.

On the same day Sidna Allen plead guilty in two other cases for which he was indicted, for which he received a sentence of fifteen more years, making in all a term of thirty-five years imprisonment in the penitentiary.

November 13th: Wesley Edwards plead guilty in three cases of murder in the second degree, receiving a sentence of twenty-seven years in the penitentiary. Sidna Allen and Wesley Edwards were returned to Roanoke jail the same day.

November 14th: Sidna Allen and Wesley Edwards taken to the penitentiary at Richmond in charge of state prison guards. This date was exactly eight months from the day on which the Hillsville tragedy occurred.

Governor Mann granted a stay of execution to December 13th and from that date to January 17th, 1913.

On January 16th Governor Mann granted Floyd and Claud Allen a further respite until March 7th, 1913.





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